



WEB COPY

CRL OP No. 5034 of 2026



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-03-2026

CORAM

THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 5034 of 2026

Krishnaraj @ Prithviraj

Petitioner

Vs

1.The State

Rep.by Inspector of Police
W-34, All Women Police Station,
Ennnore Circle, Ennore,
Chennai 600 057
(Crime No.07 of 2019)

2.D.Divya

Respondents

PRAYER

This criminal original petition is preferred under section 528 of the BNSS, 2023 seeking to call for the records pertaining to SC.No.14/2025 on the file of the Learned Principal District and Sessions Judge, Tiruvallur and quash the same by allowing this Criminal Original Petition and pass such further or other suitable orders as this Hon'ble Court deems fit and thus render justice.

For Petitioner : Mr.S.Sathish Kumar

For Respondents: Mr.Leonard Arul Joseph Selvam,
Addl. Public Prosecutor For R1
Mr.M.Aaruseela Sudhakar
For R2

**ORDER**

The petitioner, who is accused in S.C.No.14 of 2025 on the file of the Principal District and Sessions Court, Tiruvallur, for the alleged offence under Section 376 of IPC, has filed this petition seeking to quash the above S.C.No.14 of 2025.

2.Mr.S.Sathish Kumar, learned counsel appearing for the petitioner is before this Court. Mr.Leonard Arul Joseph Selvam, learned Additional public Prosecutor, took notice for the first respondent. Mr.Aaruseela Sudhakar, learned counsel appears for the second respondent.

3.It is the contention of the learned counsel for the petitioner that the petitioner and the victim in this case Ms.D.Divya were in friendly relationship and they used to go out and spend time together. The victim Ms.Divya is a diploma holder in civil engineering and the petitioner is also a civil engineer and hence, they have common interest to discuss the subject. This was wrongly presumed by the defacto complainant as if the petitioner has fallen in love with her and that she had informed her parents who had forced the petitioner to marry the victim and later, the parents of the victim had come with the musclemen and kidnapped the petitioner. It was the case of the petitioner that it was projected as if the petitioner had committed forcible sexual assault on the victim and committed rape but the medical evidence confirms that there is no external injury seen on the body of the victim and further, the medical evidence



confirms that the hymen was not intact. The learned counsel for the petitioner submitted that the victim is a major and an educated person and had a conscious relationship with the petitioner and therefore, it would not amount to rape. Now, the victim has agreed to withdraw the case given by her.

4.The learned Additional Public Prosecutor has submitted that the petitioner on a false promise to marry the defacto complainant, had relationship with her and he had taken her to various places and had physical relationship with her and thereafter, he refused to marry the defacto complainant. On a complaint by the victim, the case came to be registered and the victim was also produced before the doctor for medical examination and it was also confirmed that her hymen was not intact. During investigation, the statement of witnesses were recorded and on completion of the investigation, charge sheet has been laid listing of witnesses L.W.1 to L.W.13 and the documents.

5.From the above submissions, it is seen that the defacto complainant is major. The petitioner is a civil engineer and the defacto complainant was diploma holder in civil engineering and hence, both have common interest and they had a relationship with each other. Later, for some reason, they have got separated. As per the medical evidence, there is no external injuries found on the body of the victim. Further, now the victim has come forward to withdraw the complaint given by her. Both the defacto complainant and the petitioner herein have decided to lead their own independent way of life. It is also to be



noted that in C.C.No.41 of 2021 filed on the file of the learned Judicial Magistrate, Tiruvottiyur involving both the petitioner and the defacto complainant herein, a compromise has been arrived at between the parties. In the case on hand also, the parties have arrived at a compromise and they wanted to give a quietus to the case and they wanted to lead their own way of independent life.

6.In the light of the above, it is seen that both the petitioner and the victim are major, educated and had consensual relationship knowing well the consequences. When there is conscious and consensual relationship, it cannot be termed as forcible rape. As the parties have amicably resolved the dispute between them and have arrived at a compromise and that they wanted to lead their independent way of life, no useful purpose would be served by keeping the criminal proceedings pending. Therefore, this court is inclined to quash the criminal proceedings in S.C.No.14 of 2025 on the file of the learned Principal District and Sessions Judge, Tiruvallur. Accordingly, S.C.No.14 of 2025 on the file of the learned Principal District and Sessions Judge, Tiruvallur is quashed. This criminal original petition is allowed. No costs.

04-03-2026

Index:Yes/No
Speaking/Non-speaking order
Neutral Citation:Yes/No
vvk



To

1. The Inspector of Police
W-34, All Women Police Station,
Ennnore Circle, Ennore,
Chennai 600 057
(Crime No.07/2019)
2. The Principal District and Sessions
Judge, Tiruvallur.
3. The Additional Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR J.

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