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Crl.A.No.467 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 26.02.2026

PRONOUNCED ON : 09.06.2026

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.A.No.467 of 2022

1.Praveenkumar
2.Balakrishnan
3.Nirmala
4.Prasannakumar

... Appellants

Vs.

State rep. by
The Inspector of Police,
All Women Police Station,
Cuddalore.
Crime No.06 of 2018.

... Respondent

Prayer: Criminal Appeal filed under Section 374 of Cr.P.C., to set aside the conviction and sentence imposed in the judgment dated 21.04.2022 made in S.C.No.270 of 2019 on the file of Sessions Judge, Mahila Court, Cuddalore.

For Appellants : Mr.P.Kannan Kumar

For Respondent : Mr.S.Udayakumar
Government Advocate (Crl. Side)
Assisted by Ms.Harshana.T



Crl.A.No.467 of 2022

JUDGMENT

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This Criminal Appeal is filed to set aside the impugned judgment in S.C.No.270 of 2019 dated 21.04.2022 on the file of the learned Sessions Judge, Mahila Court, Cuddalore.

2.The appellants/accused in S.C.No.270 of 2019 convicted by the Trial Court by judgment dated 21.04.2022 and sentenced them as follows:

Accused No.	Conviction	Sentence
A1	Section 376(1) of IPC	to undergo ten years rigorous imprisonment and to pay a fine of Rs.25,000/-, in default to undergo two years simple imprisonment
A1	Section 417 of IPC	to undergo one year rigorous imprisonment and to pay a fine of Rs.10,000/-, in default to undergo three months simple imprisonment
A1	Section 506(i) of IPC	to undergo one year rigorous imprisonment and to pay a fine of Rs.10,000/-, in default to undergo three months simple imprisonment
A1	Section 352 of IPC	to undergo three months rigorous imprisonment



A2	Section 352 of IPC	to undergo three months rigorous imprisonment
A3	Section 352 of IPC	to undergo three months rigorous imprisonment
A4	Section 352 of IPC	to undergo three months rigorous imprisonment

3.The case of the prosecution is that A2 and PW3, both employed in State Transport Corporation in Cuddalore and they are known to each other for a long time. The victim/defacto complainant/PW1 is a Post-graduate holding M.Sc. Degree. The victim and A1 were in love with each other from the year 2008. Despite objections from victim's parents on compatibility, the victim continued her love relationship. A1 took the victim to various places like beach, cinema, temple, hotels and other places. On 17.01.2018 when the victim was alone at her house, A1 came there and forced her to have physical relationship. When she refused, A1 promised that he would marry her and believing the same the victim gave in physical relationship with him. Further, A1 also taken 50 sovereigns of gold jewels from the victim for his business and medical expenses. After sometime, A1 started ignoring the victim, victim met A1 and questioned as to why he is avoiding her and requested him to marry her, at that time, A1 informed that he would marry



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only the bride selected by his parents. The victim got agitated, quarrelled and picked up a fight, at that time, A1 threatened her that if she disclosed their relationship he would expose her of having physical relationship with him to everyone. Hence the victim was in a dejected move not taking food properly, finding her behaviour to be abnormal, victim's parents questioned her and she disclosed the entire facts. On 02.06.2018, the victim along with her parents and Village Panchayatars went to the house of the accused and questioned him about avoiding the victim, at that time, A2 and A3, parents and A4, brother of A1, all joined together pushed the victim girl, beaten her, threatened her, the parents of victim intervened, they were also pushed down and kicked all were chased out. Later, the victim lodged a complaint on 03.06.2018, C.S.R.No.93 of 2018 initially registered, thereafter, PW9 registered FIR on 04.06.2018 in Crime No.6 of 2018 for the offence under Sections 417, 376 IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Woman Act. PW11/Inspector of Police took up investigation, examined the victim, recorded her statement and produced her to PW8/Doctor for medical examination. PW1 informed to PW8/Doctor her ten years love relationship with A1 and having physical relationship with him often and lastly on 17.01.2018. The Police visited the scene of



occurrence, prepared observation mahazar and rough sketch in the presence of witnesses. The accused were absconding and thereafter on getting information about A1, he was arrested on 05.06.2018 near Manjakuppam bus stand. A1 was sent for medical examination and PW9/Doctor examined him and gave Potency report. In the meanwhile, the other accused A2 to A4 obtained anticipatory bail and they were also examined. On completion of investigation, charge sheet filed for the offence under Sections 417, 376, 352 and 506(i) IPC r/w. Section 4 of Tamil Nadu Prohibition of Harassment of Woman Act. During trial, PW1 to PW11 examined and Ex.P1 to Ex.P7 marked on the side of the prosecution. On the side of the defence, no witness examined and no documents marked. On conclusion of trial, the Trial Court convicted the appellants as stated above.

4.The learned counsel for the appellants submitted that A2 and PW3, both employed as Drivers in State Transport Corporation and known to each other for a long time. PW1 to PW3 are residing in Boatman Street, Devanampattinam. During December 2004, due to Tsunami, the entire area of Devanampattinam submerged with water and damage caused to the house of victim. Hence, they got re-located to the house of the accused in



Logambal koil Street, Pudhupalayam. During this period A1 and the victim

developed interest against each other and had love affair. In the year 2008,

A1 informed his interest to the victim and both started moving closely. In

the year 2010, the victim's parents renovated the house and later they moved

back to their residence. It is the case of the prosecution that thereafter to,

the first appellant used to visit her regularly at her house. The victim was

employed in a Computer Browsing Centre named I-Surf, the first appellant

used to pick her from her residence and drop her in the Browsing Centre,

witnessed by PW4 to PW7. Further, the first appellant took 20 sovereigns of

gold jewels from the victim to repay his loan to his friend Sivaraj and for

taking the Browsing Centre on lease. The first appellant also took 10

sovereigns of gold jewels from the victim for his medical expenses and the

victim gave another 20 sovereigns for educational and other expenses of first

appellant. The learned counsel submitted that all these statements are

imaginary and there is nothing to show that the first appellant at any point of

time collected gold jewels from the victim and used for his own benefit. The

admitted position of the victim is that she was in love affair for almost ten

years and during this period she was having physical relationship with A1

and she is a major, completed her post-graduation, knowing the



consequences of having consensus physical relationship, later on refusal of marriage it is projected that the first appellant committed rape, which is not proper. It is a consensual and conscious relationship.

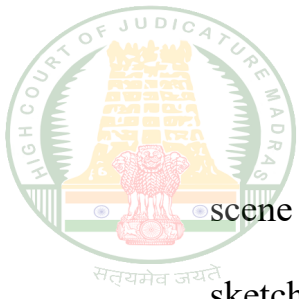
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5.The learned counsel further submitted that on 17.01.2018 the first appellant went to the house of victim and had physical relationship is also denied. Even in the complaint there is a correction in the date which is admitted by PW10. He further submitted that in this case the family members of first appellant had been roped, projecting that on 02.06.2018 the victim went along with her parents and relatives to question the first appellant, at that time, A1 to A4 said to have pushed PW1 to PW3, assaulted and kicked them, which is an imaginary story not supported with any evidence. In this case, PW1 to PW3 are the victim and her parents, PW4 is the maternal uncle of the victim, PW5 to PW7 are relatives of victim. In this case, no public witness examined. PW8/Doctor who examined the victim on 05.06.2018 records in Ex.P3, the name of the first appellant and the other details, uncalled for which is against the medical rules. FIR/Ex.P5 was registered by PW10 with considerable delay and no reason for the delay given. PW11/Investigating Officer admits in his evidence the contradictions



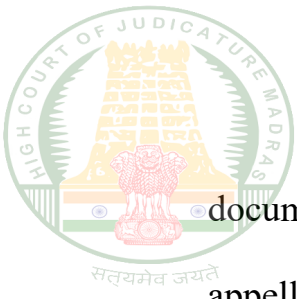
of PW1 to PW3 and PW5 to PW7. The evidence of PW1 to PW3 are with contradictions and exaggerations which would show that these witnesses not spoken the truth and had given an improved and exaggerated version just to implicate the appellants. He further submitted that there is no iota of evidence against A1 to A4 with regard to abuse and assault said to have taken place on 02.06.2018. In this case, admittedly no Doctor examined and no medical records collected to show whether there was an assault and injury. He would further submit that the only overt act attributed against A1 is that he made false promise of marriage and had physical relationship with the victim. The victim being a post-graduate having consensual and conscious relationship for more than ten years cannot now term the relationship as a case of misconception and rape. Hence, prayed for setting aside of conviction.

6.The learned Government Advocate (Crl. Side) strongly opposed the appellants' contention and submitted that in this case the victim lodged a complaint, initially complaint was received by one Prema, Head Constable who assigned C.S.R.No.93 of 2018 on 03.06.2018. Thereafter PW10 enquired and registered FIR/Ex.P5. PW11 took up investigation, visited the



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scene of occurrence, prepared observation mahazar/Ex.P2 and rough sketch/Ex.P6 in the presence of PW4. The victim confirmed the physical relationship she had with the first appellant, initially she refused, but she was compelled and forced and the first appellant gave false promise of marriage, believing his words she gave herself. PW2 and PW3 are the parents of victim who went along with PW5/Treasurer of Village Panchayat, PW6/another Panchayatar and PW7/neighbour to the house of the accused on 02.06.2018, questioned A1 why he is avoiding the victim and having a marriage with another girl, at that time, A1 to A4 joined together, assaulted the victim and her parents, later on the intervention of the Villagers, they could be saved and complaint lodged. In this case, the victim was produced before the Doctor/PW8 who examined her on 05.06.2018 and gave a report/Ex.P3. From the medical report, it is confirmed that the victim was subjected to penetrative sexual assault. The first accused was arrested and he was produced before PW9/Doctor who examined him and gave Potency report/Ex.P4. PW11 recorded statement of witnesses, collected materials and on completion of investigation, filed charge sheet in this case. During trial, PW1 to PW11 examined and Ex.P1 to Ex.P7 marked on the side of the prosecution. On the side of the defence, no witness examined and no



documents marked. On conclusion of trial, the Trial Court convicted the appellants as stated above.

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7.Considering the submissions made and on perusal of the materials, it is seen that PW1 is a M.Sc graduate and she is a major. In this case, A2 and PW3 are Drivers in State Transport Corporation. Initially PW1 to PW3 were residing in Boatman Street in Devanampattinam which is near to the seaside, the appellants residing in Logambal koil Street, Pudhupalayam. During December 2004 there was a Tsunami and the sea side area got submerged and lot of damages caused. The house of victim suffered damage, hence they had to shift to some other place. Since A2 is known to PW3, they shifted to first floor in A2's house where they were living from 2004. PW1 admits that in the year 2008 love blossomed between them and from then on, they were having love relationship. PW1 and A1 went to various places like beach, park, cinema theatre, temple and other picnic centres. For the requirement of first appellant, the victim without informing her parents had parted with gold jewels for his business, education and medical expenses. Though it is seen initially the victim had shown some resistance for physical advancement of A1, later she gave herself to the first appellant and thereafter



they were regularly meeting and having physical relationship. When the first appellant started avoiding and the victim on coming to know about A1's marriage with another girl, trouble started i.e., on 02.06.2018, from the year 2008 to 2018 for ten years they had a good relationship. The victim is a major, post-graduate and she had a consensual and conscious relationship with A1. After the breakage of marriage proposal propounded with A1, the victim informed her parents and they went to the house of A1 along with Panchayatars and questioned them on 02.06.2018, on that day, it is stated that the victim and her parents, namely, PW1 to PW3 were abused, assaulted and threatened by A1 to A4. The evidence of PW1 to PW3 are with exaggerations and contradictions confirmed by PW11 and hence, evidence of PW1 to PW3 becomes highly doubtful and does not inspire confidence, there is no public independent witness for corroboration. Likewise the evidence of PW5 to PW7 is also with exaggerations and contradictions as regards the assault which is stated to have taken place on 02.06.2018. PW5 to PW7 are relatives and interested witnesses. Admittedly in this case, none of the injured PW1 to PW3 went to any hospital for medical treatment. It is also to be seen that PW1 was medically examined by PW8 on 05.06.2018, at that time, PW8 not noticed any bruises or injuries for the assault which is



said to have been taken place on 02.06.2018 PW1 not informed about any physical assault, further there is no injury on the private parts of the victim, her hymen was found not intact and hence, the possibility of sexual assault recorded. Likewise the first appellant's potency is confirmed. From the above, it is not in doubt the victim being a major, post-graduate having love and physical relationship for ten years with consensus and consciously, after refusal of marriage now it cannot be termed this relationship as rape, utmost the first appellant has committed offence under Section 417 IPC for false promise. As regards the other appellants, there is no acceptable evidence and materials to confirm their conviction.

8.The Apex Court in the case of *Prashant vs. State of NCT of Delhi* reported in **2025 (5) SCC 755**, dealt with a similar issue and held that when the parties met multiple times at various places, including parks and in the house of the victim whether it is projected that the appellant had a forceful sexual relationship with her, neither did she stop meeting the appellant thereafter nor did she file a criminal complaint during the said period. It is further held that it is inconceivable that the victim would continue to meet the appellant or maintain a prolonged association or physical relationship



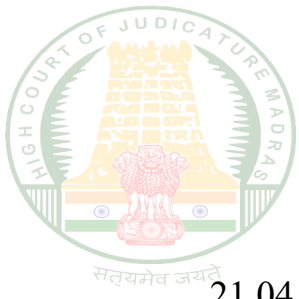
with him in the absence of voluntary consent on her part. The appellant and the victim were in a consensual relationship. They both are educated adults.

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Further in paragraph No.20 it is observed as follows:

“20.....The relationship between the parties was cordial and also consensual in nature. A mere break up of a relationship between a consenting couple cannot result in initiation of criminal proceedings. What was consensual relationship between the parties at the initial stages cannot be given a colour of criminality when the said relationship does not fructify into a marital relationship.”

9.In view of the above, this Court finds that the conviction by the Trial Court under Sections 376(1), 506(i) and 352 IPC is not sustainable. Further, PW1 and her parents, PW2 and PW3, in their evidence clearly stated that the first appellant promised to marry the victim girl but later refused to marry the victim. Hence, the conviction of the Trial Court against the first appellant for the offence under Section 417 IPC is hereby confirmed and the sentence of one year imposed by the Trial Court for the offence under Section 417 IPC is modified to period already undergone by the first appellant.



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10. Accordingly, the judgment in S.C.No.270 of 2019 dated

21.04.2022 passed by the learned Sessions Judge, Mahila Court, Cuddalore is modified in respect of the sentence imposed against the first appellant for the offence under Section 417 IPC from one year rigorous imprisonment to that of period already undergone by the first appellant and the conviction of first appellant for offence under Sections 376(1), 506(i) and 352 IPC is not sustainable and set aside. As regards the conviction and sentence imposed against the appellants 2 to 4 for the offence under Section 352 IPC, the same is set aside.

11. In the result, the Criminal Appeal stands partly allowed.

09.06.2026

Index : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No
cse



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To

- 1.The Inspector of Police,
All Women Police Station,
Cuddalore.
- 2.The Sessions Judge,
Mahila Court,
Cuddalore.
- 3.The Public Prosecutor,
High Court, Madras.



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Crl.A.No.467 of 2022

M.NIRMAL KUMAR, J.

cse

Pre-delivery judgment made in

Crl.A.No.467 of 2022

09.06.2026