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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02-11-2026

CORAM

THE HON'BLE MR.JUSTICE D.LINGESWARAN

CRL A(MD) No. 285 of 2019

CNR:{HCMD010346362019}

Punithalakshmi
Door No.70,
Anna Nagar,
Pasumalai, Madurai

..Petitioner(s)

Vs

1. P.Velraja
   S/o Pounraj,
   36, Devi Nagar,
   Thirupparankundram,
   Madurai.

2. The State of Tamilnadu represented by,
   The Inspector of Police
   All Women Police Station,
   Thirupparankundram.
   In Cr.No. 4/2006. ..Respondent(s)

Prayer: This petition is filed under Section 397 r/w 401 of Cr.P.C., against the order dated 31.05.2011 in S.C.No.336 of 2008 on the file of the Additional Sessions (Mahila) Court, Madurai, which acquitted the accused of the offences charged against him.

For Appellant (s) :M/s R.Karunanidhi

For Respondent(s) : Mr.S.Mohamed Kasim for R1

Mr.A.Robinson,
Additional Public Prosecutor for R2

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JUDGMENT

This petition has been filed by the appellant against the acquittal order passed by the Additional Sessions (Mahila) Court, Madurai, in S.C.No.336 of 2008, dated 31.05.2011 in favour of the first respondent.

2. The case of the prosecution is that, on 25.11.2004, the first respondent herein took the de facto complainant to Rameswaram, where they stayed in a lodge and had sexual intercourse. It is alleged by the prosecution that the first respondent had promised to marry the defacto complainant and, on that promise, had sexual intercourse with her. Thereafter, their relationship continued. Later, the defacto complainant attempted to marry someone else, and at that time, the first respondent gave false information to the prospective groom and stopped the marriage. Therefore, a complaint was lodged, and a case was registered against the first respondent for the offences punishable under Sections 376, 417 and 312 of the IPC. The Inspector of Police, All Women Police Station, Thiruparankundram, Madurai, investigated the case, collected the evidence, completed the investigation and filed a final report before the learned Judicial Magistrate No. VI, Madurai.

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3. After following due process, the learned Judicial Magistrate committed the case to the learned Principal Sessions Judge, Madurai. The case was later made over to the Additional Sessions (Mahila) Court, Madurai, for trial and the same was taken on file in S.C. No. 336 of 2008.

4. The prosecution examined 16 witnesses and marked 17 documents. The defence examined two witnesses and marked two documents.

5. After considering the entire evidence on record, the learned trial Judge acquitted the first respondent of all the charges.

6. Aggrieved by the judgment of acquittal, the present appeal has been filed.

7. The learned counsel for the appellant submitted that the first respondent had committed rape on the defacto complainant by sedating her. It was further argued that subsequently, when a marriage was arranged for the defacto complainant, the first respondent met the prospective groom, gave false information and stopped the marriage. It was only thereafter that a complaint was lodged.

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8. The learned counsel for the appellant assailed the judgment of the trial Court on the ground that it had failed to consider the offence of cheating and the first respondent's failure to marry the appellant.

9. Per contra, the learned counsel for the first respondent submitted that the first respondent is a doctor and that the appellant/defacto complainant was a nurse in his hospital. They were in a relationship. The appellant/defacto complainant was well aware of the fact that the first respondent was a married man. Knowing fully well that he was married, the appellant continued her relationship with the first respondent and became pregnant twice.

10. The learned counsel for the first respondent pointed out that she had undergone abortions twice. With the consent of his first wife, the first respondent had married the appellant/defacto complainant on 20.09.2004 itself. To prove the same, the first respondent examined DW.1, his own wife, and DW.2, the priest who had conducted the marriage between the first respondent and the appellant. During the cross-examination of the appellant herein, the marriage receipt and the first page of a bank passbook were also marked.

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11. The appellant had admitted those two documents without any protest. Ex.D1 shows that the marriage between the first respondent and the appellant took place at Madurai, on 20.09.2004. It was only thereafter that the first respondent consummated the marriage. They were in a sexual relationship. The appellant herself admitted that she had opened a bank account in her name, in which she had shown the first respondent as her nominee in the capacity of her husband. Thus, it was only after marrying the first respondent that they lived together and had sexual intercourse with consent. At a later point of time, it was the defacto complainant who wanted to end the relationship and marry a third party. It was during this time that the first respondent intervened and created confusion. He had even filed a petition before the Family Court at Madurai for restitution of conjugal rights. All these documents and facts go to show that both parties were in a mutual relationship. Later, the relationship turned sour, which resulted in the lodging of a complaint alleging rape, cheating and miscarriage of an offence punishable under Sections 376, 417 and 312 of the IPC.

12. The Hon'ble Apex Court, in a catena of cases, has condemned the practice of complainants lodging false cases of rape when a relationship turns sour. This is a classic example of such a case.

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13. Considering the facts and circumstances of the case, this Court is of the considered view that the trial Court rightly concluded that the relationship between the parties was consensual and that the sexual relationship between them did not amount to rape. There is absolutely no evidence to convict the first respondent. Therefore, the trial Court has rightly acquitted the first respondent. Hence, there is no reason to interfere with the judgment of the trial Court.

14. Accordingly, the acquittal order passed by the Additional Sessions (Mahila) Court, Madurai, in S.C.No.336 of 2008 dated 31.05.2011, is hereby confirmed and this Criminal Appeal stands dismissed.

02-11-2026

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

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To

1. The Additional Sessions (Mahila) Court,
   Madurai.

2. The Inspector of Police
   All Women Police Station,
   Thirupparankundram.

3. The Additional Public Prosecutor
   Madurai Bench of Madras High Court
   Madurai.

Copy To :
Section Officer (VR Section)
Madurai Bench of Madras High Court

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D.LINGESWARAN, J.

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