



CNR: KAHC010267302025

NC: 2026:KHC:53493
CRL.P No. 6194 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

CRIMINAL PETITION NO. 6194 OF 2025

BETWEEN:

1.

2.

3.



KHB COLONY VTC,
NANJANGUD (RURAL), MYSORE-571301.

...PETITIONERS

(BY SRI MAHESH HYATI, ADVOCATE)

AND:

1. STATE OF KARNATAKA,
BY ALANAHALLY PS.,
MYSORE CITY, REP. BY SPP,
HIGH COURT OF KARNATAKA,
BENGALURU-560001.



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2.

...RESPONDENTS

(BY SMT. RASHMI PATEL, HCGP FOR R-1;
SRI R VENKATA RAGHAVAN, ADVOCATE FOR R-2)

THIS CRL.P IS FILED U/S 482 CR.PC (FILED U/S 528 BNSS) PRAYING TO QUASH THE ENTIRE PROCEEDINGS IN S.C.NO.186/2024 PENDING ON THE FILE OF THE VII ADDL.DISTRICT JUDGE, MYSORE FOR THE OFFENCE P/U/S 376(2)(n), 417, 109 AND 504 OF IPC, 1860 ARISING OUT OF CR.NO.117/2023 REGISTERED BY RESPONDENT NO.1 ALANAHALLI POLICE.

THIS PETITION, COMING ON FOR ADMISSION, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

ORAL ORDER

1. The petitioners are before this Court seeking for the following reliefs:-

"Wherefore, the Petitioners respectfully pray that this Hon'ble Court be pleased to quash the entire proceedings in S.C No. 186/2024 pending on the file of the VII Addl. District Judge. Mysore for the offences punishable under Section 376(2)(n), 417, 109 and 504 of Indian Penal Code 1860 arising out of Crime No. 117/2023 registered by Respondent No. 1-Alanahalli Police, in the interest of justice."

2. Respondent No.2 lodged a complaint before Respondent No.1-Police on 28.11.2023, pursuant to which Crime No.117 of 2023 came to be registered



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by the Alanahalli Police Station for the offences punishable under Sections 376(2)(n), 417, 109 and 504 of the IPC. Upon completion of investigation, a charge sheet came to be filed in C.C. No.2459 of 2024, which is now pending in S.C. No.186 of 2024 before the VII Additional District and Sessions Judge, Mysuru. It is the said proceedings which are sought to be challenged in the present petition.

3. The submission of Sri. Mahesh Hyati, learned counsel appearing for the petitioners, is as follows:

3.1. The relationship between petitioner No.1 and respondent No.2 was consensual. The sexual intercourse and physical intimacy between them were with the consent of respondent No.2. Petitioner No.1 had a genuine intention to marry respondent No.2. However, for various reasons, the marriage could not fructify. It is only after about two years from the commencement of their relationship that the complaint came to be lodged on 28.11.2023, alleging that petitioner No.1 had falsely assured respondent No.2 that he would marry her and, on the basis of such assurance, had indulged in sexual acts with her.



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- 3.2. Insofar as petitioner Nos.2 and 3 are concerned, it is alleged that petitioner No.2, being the mother, and petitioner No.3, being the sister of petitioner No.1, were opposed to the marriage. Petitioner No.2 is alleged to have stated that, in the event petitioner No.1 and respondent No.2 got married, they would have to reside separately and eke out their livelihood independently and that petitioner Nos.2 and 3 would not support them. It is in this background that they have also been implicated in the complaint.
- 3.3. Learned counsel submits that, firstly, there is a delay of more than two years in lodging the complaint. Secondly, there are no specific allegations against petitioner Nos.2 and 3 attracting the offences alleged against them. Even according to respondent No.2, the allegation against petitioner No.2 is only that she had stated that, if petitioner No.1 and respondent No.2 were to marry, they would have to live separately and eke out their livelihood independently.



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- 3.4. Insofar as petitioner No.1 is concerned, learned counsel submits that there was a genuine understanding between petitioner No.1 and respondent No.2 that they would marry each other and it was pursuant to such understanding that they had indulged in sexual acts. It was not merely the opposition of petitioner No.2, the mother of petitioner No.1, which resulted in the marriage not taking place; petitioner No.1 had also developed an apprehension that respondent No.2 was involved in relationships with other persons.
- 3.5. On the aforesaid grounds, learned counsel submits that the sexual relationship between petitioner No.1 and respondent No.2 was consensual and that the offences alleged are, therefore, not attracted. He accordingly submits that the entire proceedings are liable to be quashed.
4. Per contra, learned counsel appearing for respondent No.2 would submit as follows:
- 4.1. It was only on the express assurance and representation made by petitioner No.1 that he would marry respondent No.2 that she



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consented to the relationship. Petitioner No.1 had also spoken to the parents of respondent No.2 and assured them that he would marry her. Learned counsel submits that, on the initial occasion, respondent No.2 was unwilling, but petitioner No.1 forced himself upon her and thereafter, on several occasions, induced her to enter into a physical relationship by representing that they would, in any event, get married.

4.2. Learned counsel submits that the allegation now sought to be raised by petitioner No.1 that respondent No.2 was involved in relationships with several other persons is false. According to him, the said contention itself demonstrates the subsequent conduct of petitioner No.1 in resiling from his promise to marry respondent No.2 and, therefore, the allegations require to be tested at trial. Since the investigation has culminated in the filing of a charge sheet, the proceedings ought not to be quashed at this stage.

5. Heard Sri.Mahesh Hyati., learned counsel appearing for the petitioner, Smt.Rashmi Patel., learned HCGP



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appearing for respondent No.1 and Sri.R.Venkata Raghavan., learned counsel appearing for respondent No.2. Perused papers.

6. In the present matter, what is challenged is the charge sheet filed on 12.06.2024. The investigation has culminated in the filing of the charge sheet after recording the statements of the complainant and other witnesses and collecting the material which, according to the prosecution, supports the allegations made in the complaint. At this stage, this Court is not required to undertake a meticulous appreciation of the evidence or to determine whether the prosecution would ultimately succeed at trial. The question that would arise for consideration is whether the material collected during investigation, when taken at its face value, discloses the commission of the offences alleged and whether the allegations against the petitioners are such that their continuation in the criminal proceedings would amount to an abuse of the process of law.
7. The principal allegation against petitioner No.1 is not merely that the relationship between him and respondent No.2 subsequently came to an end or that the proposed marriage did not take place. The



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allegation is that petitioner No.1 represented to respondent No.2 that he would marry her and, on the basis of such representation, established physical relations with her. The distinction between a genuine promise to marry which is subsequently not fulfilled and a promise which is alleged to have been false from its inception is therefore material. The former, by itself, would not necessarily constitute an offence merely because the relationship subsequently failed. The latter, if established by the evidence, may have a different legal consequence. At the stage of considering a challenge to the charge sheet, however, the Court cannot conclusively determine that distinction merely on the basis of the defence projected by the accused when the material collected during investigation requires the matter to be tested in evidence.

8. In the present case, the material collected during investigation indicates that petitioner No.1 and respondent No.2 were students at Maharaja Institute of Technology and came to know each other in the year 2021. It is not in dispute that they continued to remain in contact and were in a relationship for a considerable period. More significantly, the allegation of respondent No.2 is that it was petitioner No.1 who



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approached her with an intention to marry her and that he went to her house and spoke to her parents expressing such intention. According to respondent No.2, it was pursuant to such representation and understanding that the relationship progressed and physical intimacy took place.

9. The aforesaid circumstance assumes significance because the case of respondent No.2 is not founded upon a solitary or isolated representation made immediately prior to an act of sexual intercourse. Her case is that there was a continuing representation by petitioner No.1 that the parties would marry and that the relationship between them was pursued on that understanding. Whether such representation was, in fact, made and, if made, whether petitioner No.1 had the intention of honouring it at the relevant point of time are matters which ordinarily have to be determined from the surrounding circumstances and the conduct of the parties. Such determination would necessarily involve appreciation of oral and documentary evidence and cannot appropriately be undertaken in the present proceedings merely on the basis of competing versions.



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10. It is also relevant that, according to the material collected during investigation, it was only when respondent No.2 started insisting that the marriage should take place that petitioner No.1 is stated to have started keeping away from her and to have taken the stand that respondent No.2 was having relationships with other persons. The defence of petitioner No.1 is that the proposed marriage did not materialise not only because of the opposition of his family but also because he subsequently developed an apprehension regarding the conduct and relationships of respondent No.2. This is, essentially, a matter of defence. At the stage of considering the charge sheet, this Court cannot accept the said defence as conclusively establishing that there was no promise to marry or that the promise, if made, was incapable of being acted upon from the very inception.
11. Equally, the fact that the complaint was lodged after a considerable period cannot, by itself, furnish a ground for quashing the proceedings. The delay may constitute a circumstance relevant to the appreciation of the prosecution case, and the explanation offered for such delay may be tested during trial. However, where the charge sheet has



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been filed after investigation and the material collected by the investigating agency discloses circumstances requiring adjudication, the mere passage of time between the alleged acts and the lodging of the complaint does not, by itself, extinguish the prosecution case. The effect of such delay is a matter which can appropriately be considered upon appreciation of the evidence at trial.

12. The contention that the relationship was consensual also cannot, in the facts of the present case, be treated as determinative at this stage. Consent and the circumstances in which such consent was given are questions which have to be considered in the context of the specific allegation made by respondent No.2 that her consent to the physical relationship was obtained on the assurance that petitioner No.1 would marry her. The mere existence of a relationship or the fact that the parties had physical intimacy over a period of time does not, by itself, conclusively answer the allegation raised by respondent No.2 regarding the representation made by petitioner No.1. The nature of the consent, the circumstances in which it was given, the representations made by petitioner No.1 and his



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conduct before and after the relationship are all matters which require evidentiary examination.

13. It is also significant that the prosecution case cannot, at this stage, be examined by isolating individual circumstances and assigning to each of them a conclusive meaning. The circumstance that the parties were in a relationship for a substantial period may be relied upon by the defence to contend that the relationship was consensual and genuine. Conversely, the prosecution relies upon the alleged promise to marry, the representation made to the parents of respondent No.2, the continuation of the relationship on that basis and the subsequent conduct of petitioner No.1 when respondent No.2 insisted upon marriage. The cumulative effect of these circumstances is a matter for appreciation of evidence. The Court exercising jurisdiction at the stage of challenge to the charge sheet ought not to conduct a mini-trial by weighing these competing versions.
14. In that view of the matter, this Court is of the considered opinion that the allegations against petitioner No.1, read along with the material collected during investigation, cannot be said to be



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so inherently improbable or devoid of substance as would warrant termination of the prosecution at the threshold. The question whether petitioner No.1 had made a genuine promise to marry which subsequently could not be fulfilled, or whether the representation was false from the inception and was made for the purpose alleged by respondent No.2, is required to be determined upon appreciation of evidence. Consequently, insofar as petitioner No.1 is concerned, the criminal proceedings are required to be permitted to proceed to trial.

15. The position insofar as petitioner Nos.2 and 3 is materially different. The allegations against petitioner No.2 are that she opposed the marriage between petitioner No.1 and respondent No.2 and stated that, if they were to marry, they would have to reside separately and eke out their livelihood independently. The allegation against petitioner No.3 is also essentially founded upon her opposition to the proposed marriage. There is no specific allegation that petitioner Nos.2 and 3 had made any representation to respondent No.2 concerning marriage, had induced respondent No.2 to enter into a physical relationship, had participated in any such act, or had otherwise committed any overt act



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constituting the offences for which they have been charge-sheeted.

16. Mere opposition to a proposed marriage, even if the same is viewed from the standpoint of the complainant, cannot by itself constitute the offences alleged against petitioner Nos.2 and 3. The statement attributed to petitioner No.2 that, in the event of the marriage, petitioner No.1 and respondent No.2 would have to live separately and eke out their livelihood independently may explain the opposition of the family to the proposed marriage, but does not, without anything more, disclose the ingredients of the substantive offences alleged in the charge sheet. Criminal liability cannot be fastened merely on the basis of a familial relationship with the principal accused or on the basis of opposition to a matrimonial alliance.
17. The allegation of conspiracy or abetment, if invoked against petitioner Nos.2 and 3, would likewise require some material indicating their participation in or intentional assistance towards the commission of the alleged offence. The mere fact that petitioner No.2 is the mother and petitioner No.3 is the sister of petitioner No.1, coupled with their alleged opposition



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to the marriage, cannot substitute for the necessary factual foundation for such criminal liability. In the absence of any specific overt act or material connecting them with the alleged sexual relationship or the alleged promise to marry, continuation of the proceedings against them would serve no legitimate prosecutorial purpose.

18. The distinction between petitioner No.1 and petitioner Nos.2 and 3 is therefore clear. As against petitioner No.1, there are specific allegations concerning the alleged representation of marriage, the subsequent physical relationship, the conduct of the parties and the circumstances in which the relationship came to an end. These allegations require factual adjudication and cannot be conclusively rejected at the threshold. As against petitioner Nos.2 and 3, however, the allegations, even if accepted in their entirety, essentially establish only opposition to the marriage. The necessary factual foundation for the offences alleged against them is absent.
19. Consequently, this Court is of the considered opinion that no case is made out for quashing the criminal proceedings insofar as petitioner No.1 is concerned.



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The prosecution against petitioner No.1 shall proceed in accordance with law, and the competent Court shall consider the evidence uninfluenced by any observations made herein, which are confined only to the question of whether the proceedings warrant interference at this stage.

20. Insofar as petitioner Nos.2 and 3 are concerned, continuation of the criminal proceedings, in the absence of specific allegations constituting the ingredients of the offences alleged against them, would amount to permitting a prosecution to continue without an adequate factual foundation. The criminal proceedings against petitioner Nos.2 and 3 are, therefore, liable to be quashed.

21. As such, this Court passes the following;

ORDER

- i. Criminal petition insofar as petitioners No.1 is concerned stands ***dismissed***.
- ii. Criminal petition insofar as petitioners No.2 and 3 are concerned is ***allowed***.
- iii. The proceedings in S.C No.186/2024 pending on the file of the VII Addl. District Judge,



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Mysore arising out of Crime No.117/2023 registered by Respondent No. 1-Alanahalli Police, against petitioners No.2 and 3 are concerned is quashed.

- iv. It is made clear that the said proceedings and trial in S.C No.186/2024 will continue against the petitioner No.1.



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(SURAJ GOVINDARAJ)
JUDGE

SR
List No.: 1 Sl No.: 33