

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

MONDAY, THE NINETEENTH DAY OF JANUARY
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SMT JUSTICE TIRUMALA DEVI EADA
CRIMINAL PETITION NO: 7200 OF 2025

Between:

[REDACTED]

...Petitioner

AND

1. The State of Telangana, rep by the Public Prosecutor, High Court for the State of Telangana, Hyderabad.

2. [REDACTED]

...Respondents/Complainants

Petition under Section 528 of the BNSS praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to quash the proceedings of SC. No. 4 of 2025 on the file of Special Sessions Judge (FTC) for Atrocities Against Women-2, Hyderabad against the petitioner in the interest of justice.

I.A. No. 1 OF 2025

Petition under Section 528 of the BNSS praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to Stay all further proceedings of SC No. 4 of 2025 on the file of Special Sessions Judge (FTC) for Atrocities Against Women-2, Hyderabad against the petitioner including his personal appearance on each date of adjournment pending disposal of the main Criminal Petition in the interest of justice.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri M Rama Krishna, Advocate for the Petitioner and Sri Jitheder Rao Veeramalla, the learned Additional Public Prosecutor on behalf of the Respondent No.1-State and of Sri Prakash Yarra, Advocate for the Respondent No.2.

The Court made the following: ORDER

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

THE HON'BLE SMT.JUSTICE TIRUMALA DEV EADA

CRIMINAL PETITION No.7200 of 2025

Date:19.01.2026

Between:



...Petitioner/Accused

And

State of Telangana,
Rep. by the Public Prosecutor,
High Court for the State of Telangana,
Hyderabad and another

... Respondents

ORDER:

This Criminal Petition is filed under Section 523 of Bharatiya
Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking to quash
the proceedings against the petitioner-accused in SC No.4 of 2025 on
the file of Special Sessions Judge (FTC) for Atrocities against
Women-2, Hyderabad, registered for the offences punishable under
Sections 376(2)(n), 417, 420 and 312 IPC.

2. Heard Sri M. Rama Krishna, learned counsel for the
petitioner-accused, Sri Jitender Rao Veeramalla the learned
Additional Public Prosecutor appearing for the respondent No.1-State
and Sri Prakash Yarra, learned counsel for the respondent No.2.

3. Learned counsel for the petitioner has submitted that the petitioner is facing allegations for the offences under Sections 376(2)(n), 417, 420, 312 IPC, and that the offence under Section 376 (2)(n) IPC is not applicable to the petitioner as there was consensual relationship between the petitioner and the *de facto* complainant. He further submitted that the *de facto* complaint is a matured woman and knowing fully well about the consequences, she has entered into the relationship with the petitioner and that she is a habitual complainant and has lodged two other complaints against other men with similar set of allegations. He further submitted that apart from 376(2)(n) IPC, the other offences also do not get attracted against the petitioner, as he never cheated the *de facto* complainant nor has caused miscarriage to her and hence, prayed to quash the proceedings against the petitioner.

4. Learned counsel for the respondent No.2 has submitted that the respondent No.2 has agreed to the physical relationship only upon a promise of marriage by the petitioner and that she believed the petitioner as he was into a government service and being in a responsible position, the petitioner failed to keep up his promise, lured the *de facto* complainant, entertained physical relationship with her and further has deceived her from the inception of the relationship

and with dishonest intention, cheated the *de facto* complainant. He further submitted that though it is a consensual relationship, it is based on a promise of marriage and hence, the ingredients of Section 376(2)(n) IPC get attracted to the petitioner and that all the contentions are triable issues and hence, quashing the proceedings against the petitioner would not be justified in this case. He, therefore, prayed to dismiss the petition.

5. Perused the record.

6. The contents of the complaint point out that while the *de facto* complainant was working in the Credit Card Department in Bank of Baroda, she got acquainted with the petitioner herein through phone call and the same developed into a close acquaintance over a period of one year and then the petitioner has promised her that he would marry her and then she developed physical relationship with him. The said relationship continued for a period of five years. It is further alleged that prior to two years of the alleging complaint, she became pregnant and that both of them decided to go for abortion and hence, she has taken pills. Further, on 24.04.2024 the petitioner got married with another lady and that the *de facto* complainant learnt the same from his friends. Therefore, she lodged the complaint.

7. The allegations would reveal that there was consensual relationship between the petitioner and the *de facto* complainant. However, there is an alleged promise of marriage. The said promise of marriage is alleged to have been made five years prior to lodging of complaint. According to the contents of the complaint also, the physical relationship with the petitioner continued over a period of five years. The *de facto* complainant is aged 26 years as on the date of complaint, which means that when she entered into the relationship with the petitioner, she was 21 years old and was a working woman. So, she is well aware of the consequences and further, she mentioned in the complaint that when she conceived two years prior to lodging of the complaint, both of them decided to go for abortion which discloses that the *de facto* complainant also was willing for abortion. It is reiterated that the *de facto* complainant was in a physical relationship with the petitioner for a period of five years. It is also to be noted that when the *de facto* complainant conceived, she along with the petitioner decided to go for abortion and further the *de facto* complainant continued to be in physical relationship with the petitioner herein for another two years after abortion. Therefore, this Court is of the considered view that it is a consensual relationship. Thus, the petitioner cannot be alleged with any dishonest intention of

luring the *de facto* complainant for sexual relationship and deceiving her. Therefore, the alleged offences do not get attracted against the petitioner herein.

8. The contention of the learned counsel for the petitioner is that the *de facto* complainant is in the habit of lodging such complaints and that she lodged FIR No.187 of 2020 before the Mogullapalli Police Station, Jayashankar Bhupalpally District and FIR No.61 of 2023 before the Uppal Police Station Rachakonda Commissionerate, against some other individuals and that the present complaint is also filed based on false allegations. The said contention cannot be accepted in toto. However, every case has to be analyzed on its own strengths and weaknesses. In the present case, the contents of the complaint point out that there was a consensual relationship between the *de facto* complainant and the petitioner herein.

9. In similar facts, in **Prashant v. State of NC¹ of Delhi¹**, the Hon'ble Apex Court held that:

"20. ... The relationship between the parties was cordial and also consensual in nature. A mere break of a relationship between a consenting couple cannot result in initiation of criminal

¹ (2025) 5 SCC 764

proceedings. What was a 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. Further, both parties are now married to someone else and have moved on in their respective lives. Thus, in our view, the continuation of the prosecution in the present case would amount to a gross abuse of the process of law. Therefore, no purpose would be served by continuing the prosecution."

10. Hence, in view of the above held discussion and in the light of the above cited decision, the petition is entitled to be allowed.

11. Accordingly, the Criminal Petition is allowed and the proceedings against the petitioner-accused in SC No.4 of 2025 on the file of Special Sessions Judge (FTC) for Atrocities against Women-2, Hyderabad, are hereby quashed.

Miscellaneous petitions, pending if any, shall stand closed.

SD/- C. DEEPIKA
ASSISTANT REGISTRAR

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SECTION OFFICER

To,

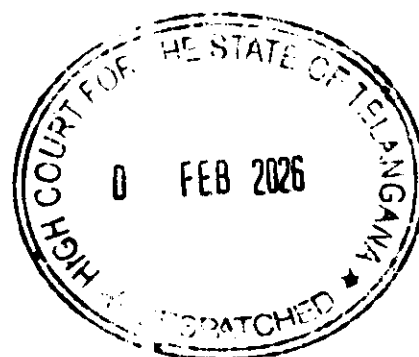
1. The Special Sessions Judge (FTC) for Atrocities against Women-2, Hyderabad.
2. The II Additional Chief Metropolitan Magistrate at Nampally, Hyderabad.
3. The Station House Officer, Abidroad Police Station, Hyderabad District.
4. Two CCs to the Public Prosecutor, High Court of Telangana at Hyderabad [OUT]
5. One CC to Sri M Rama Krishna, Advocate [OPUC]
6. One CC to Sri Prakash Yarra, Advocate [OPUC]
7. Two CD Copies

GNK/PSL



HIGH COURT

DATED: 19/01/2026



ORDER

CRLP.No.7200 of 2025

ALLOWING THE CRIMINAL PETITION

(10)
Kps
6/2/26