

## News

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**Delhi High Court: Refusing to get married because of a kundali mismatch after having sex is illegal.**



***A man who had sexual intercourse with a lady after repeatedly promising marriage was denied bail by the court.***

According to the Delhi High Court, if a man refuses to marry a woman because their kundalis (horoscopes) do not match after they have established physical relations and despite prior assurances to the contrary, he may face charges that criminalize sexual intercourse by deceit or on false promises of marriage.

According to Justice Swarana Kanta Sharma, such behavior casts suspicion on the character

and sincerity of the man's assurances.

***"Despite prior pledges to the contrary, the subsequent denial to marry on the grounds of non-matching kundalis raises doubts about the nature and sincerity of the applicant's vow. At this point, such behavior would be punishable under Section 69 of the BNS, which focuses on cases of sexual relations induced by deception or false promises of marriage, the Bench stated.***

When denying bail to a man charged with rape in a case filed under Sections 376 of the IPC and 69 of the BNS, the court made this observation. The lady who filed the complaint claimed that the accused had been in a long-term relationship with her and had developed physical connections based on frequent promises of marriage.

According to Justice Sharma, the accused had reassured the woman that their horoscopes matched and that there was no barrier to their marriage, according to documents on file, including WhatsApp conversations. He allegedly wrote, ***"kal hi shaadi kar rahe hain hum (we are getting married tomorrow)," in one message, implying that the marriage would happen soon.***

***The prosecutrix further asserted that she had previously dropped a case following new marriage promises from the accused and his relatives. The accused, however, later declined to wed her, claiming that their kundalis did not match.***

This stance, according to Justice Sharma, was at odds with his earlier arguments. It was noted that the matter should have been resolved at the threshold prior to engaging in physical contact if horoscope matching was of decisive importance.

***The Court further stated that the subsequent denial of marriage on grounds that had previously been allegedly settled raised the possibility that false assurance was used to secure consent.***

As a result, it denied the bail request.

The defendants were represented by Senior Advocate Sandeep Sharma, along with attorneys Kuldeep Choudhary and Amit Choudhary.

***The State was represented by Naresh Kumar Chahar, Additional Public Prosecutor (APP).***

Lawread