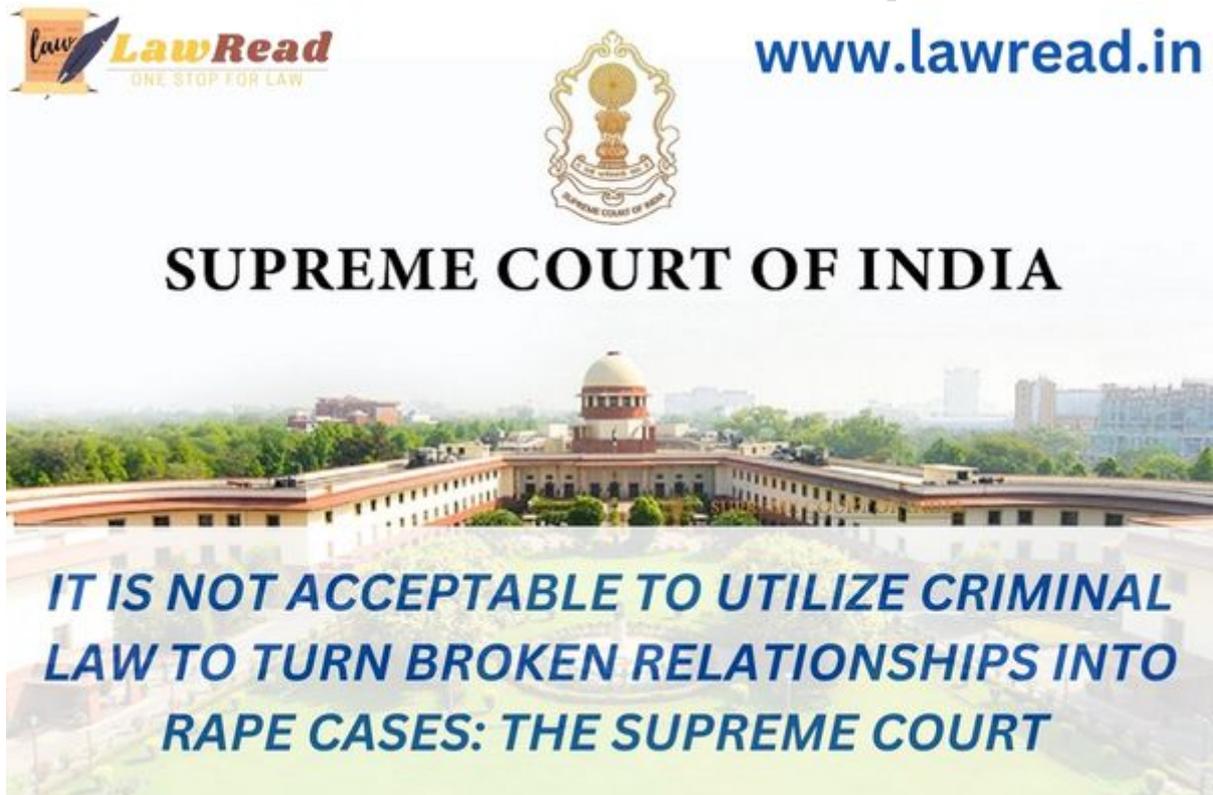


News

It is not acceptable to utilize criminal law to turn broken relationships into rape cases: The Supreme Court



The Court additionally stated that a married woman cannot allege rape based on a fake marriage commitment.

A rape case against a Chhattisgarh lawyer who was charged with raping a lady under false pretenses of marriage was recently dismissed by the Supreme Court [PK vs State of Chhattisgarh].

The woman was already married and her divorce was still pending, according to a bench of Justices BV Nagarathna and Ujjal Bhuyan, hence it was legally impossible for

her to get married to the accused.

The Bench decided that under such conditions, she could not claim that she was seduced into the relationship by a false promise of marriage.

"After reviewing the accusations in this matter, it is acknowledged that during the first initial meetings, the complainant-respondent No. 3 informed the accused-appellant that she was a married woman with divorce proceedings pending before the Family Court. Consequently, the Court stated that she could not simultaneously assert and allege that she was also persuaded to engage in a sexual relationship with the accused-appellant under the false pretense of marriage because the two facts are incompatible and contradictory to one another.

Therefore, the Chhattisgarh High Court's decision to not drop a formal complaint accusing the lawyer of repeatedly raping the woman under false pretenses of marriage was overturned by the court.

An FIR filed in Bilaspur in February 2025 served as the basis for the case. The complainant, a 33-year-old advocate with a child, was married, but she and her husband were still going through the divorce process. At a social gathering in 2022, she met the accused, who was also an attorney. After becoming close, the two reportedly started a physical relationship in September 2022 and lasted until January 2025.

Her lawsuit claims that after she told the accused that she was expecting his kid, things became more heated. She claimed to have encountered hostility, abuse, and threats when she confronted him and his family at his home on January 27, 2025. She then brought a rape complaint on the false pretense of marriage.

After that, the accused petitioned the Chhattisgarh High Court to have the FIR quashed. The High Court, however, declined to dismiss the FIR, stating that the accusations needed to be looked into and that it was not possible to establish that no crime had been committed at such an early stage.

The accused went to the Supreme Court because they were upset that the case could not be dismissed.

The accused's attorney contended that the complainant was a consenting participant and that no rape offense was inferred from the FIR because she had voluntarily entered into the relationship, which lasted until January 2025.

On the other hand, the State argued that the accused knew that the complaint was going through a matrimonial dispute with her husband and therefore in a pre-planned manner, induced her into a physical relationship on the false promise of marriage without ever intending to honour it.

After reviewing the case, the Court reaffirmed that a rape accusation based on a marriage vow can only be successful if the promise was made with the intent to acquire sex and was false from the start.

The Bench stated that it considered the disagreement as a mutually beneficial partnership that had subsequently become acrimonious and found no evidence to warrant Section 376(2)(n) of the IPC.

The complainant was already married and had a child, the court observed. Her marriage remained intact when the relationship with the accused started in September 2022 and continued after that, despite the fact that divorce processes were still underway. Even a marriage vow could not have been kept because she was legally unable to wed him.

The Court noted that Section 5(i) of the Hindu Marriage Act, 1955, which forbids a person from getting married again while a spouse is still alive, is the legal basis for the ban on such a union.

The Bench noted that the law forbids bigamous unions, which means that parties are not permitted to get married again while their first marriage is still going strong.

The Court also issued a warning that broken relationships should not be turned into rape cases by using the criminal law.

While dismissing the lawsuit, the Court stated, "In our view, the facts of the present case explicitly show a consensual relationship gone sour, whereas

both the parties should have exercised restraint and should have refrained from involving the State in their personal relationship turning rancour."

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