

# News

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**The Supreme Court ruled that a breakup of a consensual relationship cannot lead to a rape prosecution against a man.**



***The Court ruled that a married woman's three-year consensual relationship with her attorney could not be retroactively labeled as rape just because the relationship ended.***

The Supreme Court ruled on Monday, quashing a rape case against an Aurangabad lawyer [Samadhan vs. The State of Maharashtra & Anr.], that a breakup of a consensual relationship between two adults cannot be construed as a criminal offense to invoke rape accusations against the man.

A bench of Justices BV Nagarathna and R Mahadevan emphasized that accusations of rape based on a false promise to marry must be backed up by convincing evidence and that a relationship cannot be retroactively transformed into rape only because it terminated in conflict or disappointment.

***"Criminal procedures cannot be started just because a consenting couple ends their relationship. When a relationship that was initially consensual does not develop into a marriage, it cannot be labeled as illegal, according to the Bench."***

It further stated that in order to prove rape based on a false promise of marriage, it must be demonstrated that the promise was dishonest from the start and that the woman's assent resulted only from that deception.

Rape and consenting sex are clearly different. The Bench stated that the court must carefully consider whether the accused had genuinely desired to wed the victim or had made a false commitment merely to sate his desires.

It overturned a Bombay High Court ruling that refused to overturn a formal complaint alleging that the attorney had frequently sexually assaulted a woman under false pretenses of marriage. The Court determined that the woman had never claimed coercion or lack of consent during the three years of their voluntary relationship.

***A 2024 FIR filed in Chhatrapati Sambhajnagar was the source of the case. In 2022, the complainant—a married woman living apart from her husband—met the attorney while he was helping her with maintenance proceedings. The two grew close over time and started dating."***

The lawyer had promised to marry her, but he later changed his mind, according to the complaint. The woman said that she became pregnant several times and ended the pregnancies with his approval. She filed the FIR for rape under the false promise of marriage after he finally refused to marry her and threatened her.

The attorney sought to have the case annulled under Section 528 of the Bharatiya Nagarik Suraksha Sanhita after obtaining anticipatory bail from the trial court. After pointing out that the accusations needed to be tried and that he had a fiduciary responsibility with her as her legal counsel, the High Court denied his plea. The top court was then moved by him.

***He claimed the allegation was vengeful before the Supreme Court and only filed the case after he refused to give the woman the ₹1.5 lakh she had purportedly requested. He noted that during their three-year relationship, she had never reported any sexual assault.***

The Court observed that the claims did not show acts of compulsion or dishonesty, but rather a continuous connection characterized by frequent meetings and consenting intimacy. It discovered no proof that the woman's assent had been tainted or that the promise of marriage had been untrue from the beginning.

The Bench clarified that just because a vow of marriage did not materialize, sexual encounters that could be linked to mutual affection could not be criminalized.

The appellant in this case did not entice the complainant purely for sex before disappearing. The Court stated, **"The relationship lasted for three long years, which is a significant amount of time."**

The ruling cautioned against the increasing abuse of rape laws in situations involving broken relationships.

***"To turn any unhappy relationship into a rape offense not only minimizes the gravity of the crime but also causes the accused to suffer severe injustice and permanent disgrace. The Bench noted that this kind of abuse of the criminal justice system is extremely concerning.***

The Court reaffirmed that permission cannot be retroactively revoked when two adults voluntarily sustain a relationship over time.

The judges noted that even though the woman's marriage was still going strong, she was a major and well-educated person who had chosen to maintain the relationship. The Court emphasized that there was no indication of physical threat, compulsion, or inducement.

The alleged acts took place within the parameters of a consenting and voluntary relationship. The ruling stated that continuing the prosecution in these circumstances would be nothing less than an abuse of the legal system.

Advocates Sneha Sanjay Botwe, Bharat S. Doifode, Siddharth S. Chapalgaonkar, Akash

Tripathi, and Ashraf Patel represented the appellant-lawyer.

***Advocates Aaditya Aniruddha Pande, Siddharth Dharmadhikari, Shrirang B. Varma, Bharat Bagla, Sourav Singh, Aditya Krishna, Adarsh Dubey, Chitransha Singh Sikarwar, and Radhika Gautam represented the respondents.***

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