

CONSENSUAL PHYSICAL RELATIONSHIP BETWEEN LIVE-IN PARTNERS NOT RAPE, SAYS SC

Relevant for: Indian Polity & Constitution | Topic: Judiciary in India: its Structure, Organisation & Functioning, Judges of SC & High Courts, Judgements and related Issues

Consensual relations between live-in partners does not amount to rape in case the man fails to marry the woman due to circumstances beyond his control, the Supreme Court has held. The top court said this while quashing an FIR lodged by a Maharashtra-based nurse against a doctor, with whom she was in a live-in relationship “for quite some time”.

“There is a clear distinction between rape and consensual sex. The court, in such cases, must very carefully examine whether the complainant had actually wanted to marry the victim or had mala fide motives and had made a false promise to this effect only to satisfy his lust, as the later falls within the ambit of cheating or deception,” a Bench of Justices A.K. Sikri and S. Abdul Nazeer said. The Bench also said if “the accused has not made the promise with the sole intention to seduce the [woman] to indulge in sexual acts, such an act would not amount to rape”.

According to the FIR, the woman had fallen in love with the doctor and they started living together. “There may be a case where the [woman] agrees to have sexual intercourse on account of her love and passion for the accused and not solely on account of the misconception created by accused, or where an accused, on account of circumstances which he could not have foreseen or which were beyond his control, was unable to marry her despite having every intention to do. Such cases must be treated differently,” the Bench said.

END

Downloaded from **crackIAS.com**

© **Zuccess App** by crackIAS.com