BLOGS

Santhosh Kumar N.P. v. State - Station House Officer, Kadirur Police (2026)

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1. Why is this case Santhosh Kumar N.P. v. State in the news?

On October 30th, 2026, the Supreme Court of India passed judgement on the case of ***Santhosh Kumar N.P. v. State-Station House Officer, Kadirur Police, Telecherry, Kannur District & Another***, thereby acquitting the accused of charges relating to rape, deception, and marriage-related offenses where consent , alleged deception about marriage and rape on false promise of marriage were analysed.

An important issue has been addressed by the Court in the realm of criminal justice: *whether sexual conduct between parties in a consensual adult relationship may still be termed as rape just because the relationship is supposedly over and one partner claims deception.*

The Court answered that **fact of the ending of the relationship does not automatically turn past consensual sexual conduct into rape.** The Court differentiates the genuine absence of consent due to deception from feelings of regret after the relationship is no longer there.

The Court underlined the fact that the **right of the accused to end the relationship cannot automatically be taken as fraud.**

Importantly, the decision does not establish that every allegation of rape arising from a relationship is false. The Court expressly recognised the seriousness of sexual violence and the need to pursue genuine allegations rigorously.

2. Facts of the case

There was a dispute over a relationship between the appellant and a woman, who had divorced before.

Alleged representation: The woman alleged that the appellant pretended to be unmarried and proposed to marry her.

Alleged matrimonial tie: The woman stated that they conducted a marriage ceremony in the temple in Mysuru and stayed together as husband and wife till 2003.

Alleged concealment: The woman maintained that she agreed to engage in sexual relations believing that she was married to the appellant.

Knowledge about existing marriage: The Supreme Court stated that months after the alleged marriage, the woman had found out about the existing marriage of the appellant and his wife and two children, yet she continued to live with him for several years.

Subsequent proceedings: The woman filed a case against the appellant under the Protection of Women from Domestic Violence Act, 2005, and later on filed a criminal complaint alleging rape, cheating and offenses related to bigamy and deceptive cohabitation.

The criminal complaint was lodged under sections 376, 420, 493, 494 and 495 of the Indian Penal Code, 1860. The appellant sought to be discharged from the case but was denied relief by the trial court and Kerala High Court. He approached the Supreme Court thereafter.

The central factual consideration

The Court's reasoning turned significantly on the complainant's continued cohabitation after she became aware of the appellant's existing marriage. In the circumstances of this case, that fact undermined the allegation that she continued to engage in sexual relations under the belief that she was his legally wedded wife.

The Court also examined the material concerning the alleged temple marriage and the other offences charged. It concluded that the evidence did not disclose the essential ingredients necessary to sustain the prosecution.

This was a fact-specific determination, not a universal rule that continued contact or cohabitation disproves sexual assault. Consent must be assessed in its proper factual and legal context.

3. Questions of law before the Supreme Court

The judgment raises four important questions relevant to criminal law and criminal procedure:

1. Whether **sexual consent can be treated as vitiated by misconception of fact when the complainant continued the relationship after acquiring knowledge of the accused's**

existing marriage.

2. Whether the **subsequent breakdown of an adult relationship can, by itself, establish that earlier sexual acts constituted rape.**
3. Whether the material on record established the essential ingredients of the offences under Sections 376, 420, 493, 494 and 495 IPC.
4. Whether the Trial Court and High Court correctly applied the standard governing discharge under Section 227 of the Code of Criminal Procedure, 1973.

The Supreme Court answered these questions by examining the alleged deception, the parties' subsequent conduct, the ingredients of each offence and the threshold for proceeding to trial.

4. Supreme Court's reasoning and ratio decidendi

A. Consent obtained through deception versus subsequent regret

The principal legal distinction drawn by the Court was between two situations:

- **Deception at the inception:** Consent may be legally vitiated where a deliberate false representation or deception operates on the person's decision to engage in sexual intercourse and satisfies the applicable statutory requirements.
- **Sorrow about a relationship collapsing:** One may feel sorry for having agreed to sexual relations when a relationship fails afterward. The mere feeling of regret cannot, in and of itself, make an act of rape retroactively exist.

The Court said that the question is not whether the relationship developed into a marriage.

What is important is whether or not the elements of the crime of rape were present, including the absence of legally valid consent.

This is an important difference as one cannot compare a false promise to a genuine relationship in which the intention of marriage changes later.

In Santhosh Kumar N.P., the Court found that the complainant's knowledge of the appellant's existing marriage and her subsequent conduct were material to determining whether her consent remained founded upon the alleged misconception.

B. The right to withdraw from a consensual relationship

The Court ruled that one does not lose the right to leave a consensual relationship simply because sexual relations took place in the relationship since the ruling was based on the principle of individual autonomy and the absence of a legal obligation to stay in a personal relationship for an indefinite period of time.

If a breakup could establish criminal activity retrospectively, the right to leave a relationship would become limited because of the threat of prosecution.

The Court was concerned not only with the demise of the relationship but also with the situation when liability can be attributed to a failure of a relationship without establishing the elements of the crime.

Legal provision: The end of a relationship does not amount to proof of the absence of consent or the presence of legally significant deceit in respect of the earlier sexual intercourse.

This provision is to be applied together with the law on consent and the respective facts of the case. The duration of a relationship or the continuation of meetings of parties cannot exclude the possibility of coercion, assault, or deception.

C. Rape law cannot be applied retrospectively to criminalise a failed relationship

The Court warned against looking at the end of a relationship and judging its beginnings anew. Rape is a grave crime against the body and dignity of the victim.

Nonetheless, criminal law requires the elements of the crime to be proved, and the fact of resentment coming from its breakdown cannot replace those aspects.

Thus, the Court argued for a thorough examination of the relationship and the evidence instead of assuming things based only on the fact of separation.

This is not to say, however, that companionship means consent to all sexual actions. This also does not stop law enforcement from taking action in case there was an initial fraud or sexual violence.

D. Individual autonomy and the limits of criminal law

This verdict also confirmed the connection between **the right to make independent choices and the government's repressive criminal law system.**

It was emphasized by the Court that people have different choices concerning intimate relationships and the court does not have the prerogative to impose moral judgement on such choices. Hence, a legal reaction to an individual's act does not implicate that this act is a criminal act.

This judgement signifies the importance of differentiation between moral condemnation and violation of law. Criminal law is to give an answer to a crime that fulfills all the conditions of a statutory crime and not to a relationship that has ended unhappily.

But the Court did not neglect the need to protect people who have suffered from sexual assault. The court highlighted that there are situations when the prosecution is not backed up with necessary evidence and becomes unjustified.

5. Statutory provisions involved: CLAT PG analysis

The prosecution in this case concerned events dating back to the 1990s and early 2000s. Accordingly, the judgment applied the Indian Penal Code, 1860 (IPC) and the Code of Criminal Procedure, 1973 (CrPC).

These provisions should not be mechanically replaced with the Bharatiya Nyaya Sanhita, 2023 (BNS) or Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) when analysing this judgment.

Provision	Legal significance	Application in this case
Section 375 IPC	Defines rape, including circumstances in which consent is legally invalid.	The Court examined whether the alleged facts established rape.
Section 376 IPC	Prescribes punishment for rape; the prosecution also invoked the provision concerning repeated rape.	The Court found the essential ingredients were not made out on the material presented.
Section 420 IPC	Cheating and dishonestly inducing delivery of property or the making, alteration or destruction of a valuable security.	The Court found the statutory ingredients of cheating were not established.

Section 493 IPC	Cohabitation caused by a man's deceitfully inducing a woman to believe that she is lawfully married to him.	The alleged deception and the evidence concerning the purported marriage were examined.
Sections 494-495 IPC	Bigamy and bigamy with concealment of the former marriage.	The Court examined the proof of the alleged second marriage and the relevant statutory ingredients.
Section 227 CrPC	Discharge by a Court of Session where there is insufficient ground to proceed.	The Supreme Court held that discharge was warranted on the material before it.
Section 12, Domestic Violence Act, 2005	Provides the procedure for an aggrieved person to seek relief before a Magistrate.	The complainant had earlier sought relief under this provision.

Why Section 375 IPC matters

The most important aspect of the law in relation to CLAT PG is the difference between consent as an actual choice and consent as a legally valid choice. The main problem to be resolved is not merely the fact of sexual intercourse, but whether the conditions fulfill the given definition of rape.

In the cases of alleged false statement of marriage, the courts investigate whether the claim was false from the very beginning and how this claim correlates with the defendant’s decision to have sexual relations. The fact of refusal to marry later on or a breakdown of the relationship do not imply that there was any deception committed initially.

Why Sections 493, 494 and 495 IPC matter

These provisions cover different legal wrongdoings. Section 493 is concerned with the deceit persuading someone to believe that he/she is legally married while Sections 494 and 495 address bigamy and concealment of the previous marriage respectively.

Therefore, with such allegation that someone has misrepresented his/her marital status, it does not suffice to prove a crime because the necessary elements should be established in relation to all crimes enumerated in the previous paragraph.

Why Section 227 Criminal Procedure Code, 1973 matters most procedurally

Section 227 calls for the Sessions Judge to acquit the accused in case there are no grounds to proceed against the accused, taking into consideration the facts and hearing the parties.

It should be noted that there should not be such an interpretation that it allows a full trial to be conducted at that stage before framing the charges. The judge is not obliged to take the prosecution's case on its face value at this stage either. What the court has to do is establish whether the materials available make out a prima facie case or give rise to a serious suspicion to justify commencement of a trial.

6. Important precedents

The decision is best understood alongside earlier Supreme Court judgments dealing with consent, false promises of marriage and the threshold for criminal prosecution.

1. Union of India v. Prafulla Kumar Samal

Principle: Discharge and framing of charges

The Court explained that a judge exercising jurisdiction under Section 227 CrPC may sift and weigh the evidence for the limited purpose of deciding whether a prima facie case exists.*If the material creates suspicion but not grave suspicion, discharge may be appropriate. A judge must not function merely as a mouthpiece for the prosecution.*

Connection: *This principle forms a central part of the procedural reasoning in Santhosh Kumar N.P.*

2. Sajjan Kumar v. Central Bureau of Investigation

Principle: Prima facie case and grave suspicion

The Supreme Court held that the subordinate courts were wrong in not discharging the appellant despite there not being adequate material in support of the charges.

Connection: *The precedent supports judicial scrutiny of whether sufficient grounds exist to frame charges.*

3. Prashant v. State of NCT of Delhi

Principle: Unsuccessful consensual relationships

The Supreme Court found that a consensual relationship isn't necessarily illicit if it falls short of leading to marriage. It looked into whether the claims contained the necessary contents of the offense of repeated rape and the crime of intimidation.

Link: Both decisions establish a distinction between the collapse of a relationship and the different legal question of the lack of consent.

4. Mahesh Damu Khare v. State of Maharashtra

Principle: Mistaken belief and the commitment to marry

The Court assessed the possibility of labelling a long-term sexual relationship as rape allegedly based on a fraudulent commitment to marry when there was insufficient evidence that the relationship had been based on falsehoods from the start.

Connection: *The case thus sheds some light on the difference between an original deceitful promise and a relationship that later falls apart.*

7. Critical legal analysis: what the judgment establishes and what it does not

The ruling is important for the fact that it addresses three separate legal issues: validity of consent, admissibility of evidence for prosecution, and individual autonomy in intimate relations.

First, it reinforces that criminal liability has to be understood only in terms of the legal requirements, and cannot be deduced merely from the outcome of a relationship. An ending of a relationship might provide factual grounds for the complaint, but it does not on its own prove rape or cheating.

Second, the judgment demonstrates that courts must examine the entire factual matrix The complainant's knowledge of the existing marriage, the continuation of cohabitation, the evidence relating to the alleged marriage and the requirements of each charged offence were relevant to the Court's conclusion.

Third, the judgment raises an important question about the role of the discharge stage. Under Prafulla Kumar Samal, the court must assess the material sufficiently to determine whether a trial is justified, without substituting a full trial for the statutory test.

Finally, though, the ruling has to be put in the right context. It does not establish a presumption that every complainant in a failed relationship is lying.

Moreover, living together does not automatically imply that sexual consent was given for every sexual act. It is crucial that the ruling is based on the pieces of evidence and legal requirements for the crimes committed.

Hence, the law should ensure individuals' bodily autonomy and protect actual victims of sexual violence while preventing wrongful prosecutions in case there is no necessity to prosecute according to the law.

10. Conclusion

In Santhosh Kumar N.P. v. State-Station House Officer, Kadirur Police, 2026 INSC 1179, the Supreme Court remarks that it is important in any case involving the criminal justice system to distinguish between a broken relationship and actions constituting a crime.

The case is significant in that it does not provide immunity to offenders of sexual offences but rather obliges the courts to check consent, fraud, and the relevant evidence according to the principles of law. The court applied discharge principles and held that in case of any offences in question, the appellant must not be forced to go through the trial.

For CLAT PG applicants, the verdict can be considered as a significant modern case on various aspects of consent, sexual offences on the false promise of marriage, individual autonomy, etc.