

IPC, Sections 376, 420 read with Section 34 - "Breach of a promise and not fulfilling a false promise" - Breach of promise to marry - If the accused has not made the promise with the sole intention to seduce the prosecutrix to indulge in sexual acts, such an act would not amount to rape - There may be a case where the prosecutrix 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 - If the complainant had any mala fide intention and if he had clandestine motives, it is a clear case of rape - The acknowledged consensual physical relationship between the parties would not constitute an offence under Section 376 of the IPC.

read **HERE** [\(2018\)2 Scej 1918](#)
