

2025 LiveLaw (SC) 1251

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

B.V. NAGARATHNA; J., SATISH CHANDRA SHARMA; J.
CRIMINAL APPEAL NO.5256 OF 2025; DECEMBER 5, 2025

SANDEEP SINGH THAKUR *versus* STATE OF MADHYA PRADESH & ANOTHER

Constitution of India – Article 142 – Quashing of Conviction and Sentence – Consensual Relationship turned Criminal – Marriage between Parties – The Supreme Court invoked its plenary powers under Article 142 to quash the conviction and 10-year sentence of an appellant convicted under Section 376(2)(n) of the IPC - observed that a consensual relationship was given a "criminal colour" due to a misunderstanding regarding the postponement of marriage dates, which led to an allegation of a false promise of marriage - the parties married on July 22, 2025, and are residing together happily - To do "complete justice," the Supreme Court quashed the FIR, the Trial Court's judgment, and rendered the pending appeal before the High Court infructuous - directed the Chief Medical Officer (CMO), to revoke the appellant's suspension and pay all arrears of salary within two months, as the criminal proceedings that led to the suspension no longer exist. [Paras 7 - 14]

For Appellant(s): Mr. Samant Singh, Adv. Ms. Anu H. Kiritthika, Adv. Mr. Rohit Singh, Adv. Mr. Rajeev Singh, AOR

For Respondent(s): Ms. Mrinal Gopal Elker, AOR Mr. Abhimanyu Singh -g.a., Adv. Mr. Chinmoy Chaitanya, Adv. Ms. Silpi S Swain, Adv.

J U D G M E N T

NAGARATHNA, J.

Leave granted.

2. Being aggrieved by the order dated 05.04.2024 passed on IA No.9352 of 2024 in CRA No.4869 of 2024 by which the application filed by the appellant herein seeking suspension of sentence was rejected, this appeal has been preferred.

3. This is one of those rare cases where on the intervention of this Court the appellant herein, who had applied to seek suspension of his sentence was ultimately benefitted by quashing of his conviction as well as the sentence. This is owing to the fact that when the matter came up before this Court by assailing the rejection of suspension of sentence by the High Court, on a consideration of the facts of the case, we had a sixth sense that the appellant and the respondent prosecutrix could be brought together once again if they decided to marry each other. Therefore, we suggested to the counsel for the respective parties to seek instructions. The appellant as well as the respondent prosecutrix appeared before this Court. We interacted with them in presence of their parents in our Chamber and on hearing them, we were informed that they were willing to marry each other. Hence, we granted interim bail to the appellant herein. The marriage between the parties has taken place on 22.07.2025 and the parties have been residing together since then. Their parents are happy by this development.

4. Consequently, we have invoked our powers under Article 142 of the Constitution of India to do complete justice in the matter by quashing the complaint as well as the conviction and sentence passed against the appellant herein.

5. We think that owing to a misunderstanding the consensual relationship between the parties was given a criminal colour and converted into an offence of false promise of

marriage whereas the parties, in fact, intended to marry each other. It was only owing to the appellant seeking postponement in the date of marriage which may have led to insecurity in the mind of the respondent prosecutrix and filing of the criminal complaint.

6. We are satisfied with the outcome of the case and hence, we record the same.

7. Briefly stated, the facts of the case are that the appellant met the second respondent in 2015 on a social media platform and both developed a liking and fondness for each other. Thereafter, both the parties entered into a consensual physical relationship with each other wherein the second respondent claims that she acted on the alleged false promise of marriage given to her by the appellant herein. Aggrieved by the nonfulfillment of the said promise to marry, the second respondent filed an FIR No.29 of 2011 dated 02.11.2021 under Section 376 and 376(2)(n) of Indian penal Code, 1860 (hereinafter 'IPC' for short). Thereafter a chargesheet was filed on 08.02.2022. The appellant was tried by the Additional Sessions Judge in Sessions Trial No.191 of 2022 and was convicted under Sections 376(2)(n) and 417 of IPC sentencing him to rigorous imprisonment for ten years and Rs.50,000/- fine for the offence under Section 376(2)(n) and a rigorous imprisonment for two years with Rs.5,000/- fine for the offense under Section 417 of IPC.

8. Aggrieved by the said conviction, the appellant preferred an appeal before Madhya Pradesh High Court at Jabalpur in Criminal Regular Appeal CRA No.4869 of 2024. In said Appeal, the appellant preferred an I.A. No.9352 of 2024 seeking the relief of suspension of jail sentence imposed by the Sessions Judge. The said I.A. No.9352 of 2024 was rejected by the High Court vide order dated 05.09.2024. Aggrieved by the rejection of the I.A., the appellant has preferred the present Criminal Appeal.

9. During the pendency of this appeal, this Court passed the following orders on 06.05.2025, 15.05.2025 and on 25.07.2025:

"06.05.2025

It is stated by learned counsel for the petitioner in the presence of the mother of the petitioner Smt. Radha that the petitioner may be willing to marry the second respondent-Prosecutrix.

In the circumstances, we direct that the petitioner accused to be brought before this court by the first respondent-State police. The second respondent-

Prosecutrix to also to be present before this court.

List on 15.05.2025.

The parties are directed to appear at 11:30 AM before this court.

15.05.2025

Having regard to the sensitivity of the matter, we directed the parties as well as their parent along with their respective learned counsel and learned standing counsel for the State of Madhya Pradesh to appear before us in Chamber.

They have appeared before us in Chamber in the prelunch Session.

We heard them.

We passed over the matter so as to enable the petitioner and respondent No.2 (parties) to have a dialogue and inform the Court as to whether they are inclined to get engaged and be married to each other.

In the post-lunch Session, the matter was again called in the Court hall.

The petitioner and respondent No.2 have unequivocally stated before us that they are willing to marry each other. The details of their marriage shall be worked out by their respective parents and we hope that the marriage takes place as expeditiously as possible.

In the above circumstances, we suspend the sentence and release the petitioner on bail.

Today, the petitioner has appeared before this Court pursuant to our direction dated 06.05.2025. He shall return to jail and shall be produced before the concerned Sessions Court as early as possible.

The concerned Sessions Court shall release him on bail, subject to such conditions as it may deem appropriate to impose.

Having regard to the aforesaid developments, the matter is adjourned to 25.07.2025.

The matter shall be treated as part-heard.

25.07.2025

We have heard learned counsel for the respective parties viz., petitioner and respondent No.2 herein as well as learned counsel for respondent No.1-State in the presence of petitioner and respondent No.2. Pursuant to the order this court dated 15.05.2025, the parties through their counsel submitted that they have since married inasmuch their marriage took place on 22.07.2025 and they are living together. In the above circumstances, learned counsel for the petitioner submitted that the conviction in the instant case may be stayed while the petitioner is already on bail so as to enable the petitioner to rejoin government service and report for duty. Learned counsel appearing for the respondent(s)-State submitted that appropriate orders may be made having regard to the developments in the case. In the circumstances, we stay the order of conviction dated 12.04.2024 passed by the First Additional Sessions Judge, Sagar's Third Additional Judge Sagar (M.P.), in ST No.191/2022 pending further orders having regard to the aforesaid developments in the case so as to enable the petitioner to report for duty."

10. Having regard to the aforesaid orders and compliances, we directed that the parties along with their respective counsel be present before this Court.

11. It is submitted that since the parties are residing together, the second respondent-wife of the appellant submitted that the criminal proceedings that she had initiated as against the appellant herein may not be continued and in fact they may be quashed.

12. Learned counsel for the appellant as well as the second respondent also submitted that the appellant and the second respondent are since married and residing together, in the interest of justice criminal proceedings may be quashed.

13. Learned counsel for the standing counsel for the first respondent-state submitted that having regard to the facts of this case, appropriate orders may be made in this appeal.

14. Taking note of the submissions made by the learned counsel for the respective parties and the developments that have taken place in this appeal, we think interest of justice would be sub-served if the FIR No. 29 of 2021 dated 02.11.2021 lodged with Women Police Station, District Sagar and the judgment of the I Additional Sessions Judge, Sagar and the order of conviction and sentence passed dated 12.04.2024 therein, stand quashed.

15. Consequently, CRA No.4869 of 2024 pending on the file of the Madhya Pradesh High Court is rendered infructuous.

16. While passing the aforesaid directions, we have invoked our powers under Article 142 of the Constitution of India, in the interest of justice and to do complete justice in the matter.

17. The said appeal also stands disposed of in the aforesaid terms.

18. At this stage, learned counsel for the appellant submitted that the appellant was suspended from service owing to the criminal complaint and proceeding against him as well as the conviction and sentence imposed on him by the Trial Court. In view of this

order, a direction may be issued to the Chief Medical Officer (CMO), Sagar, Madhya Pradesh to revoke the order of suspension and to pay the arrears of salary to the appellant.

19. Learned standing counsel for the first respondent–State to convey this order to the concerned officer for the purpose of payment of the arrears of salary on revocation of the order of suspension since the appellant has joined duty pursuant to revocation of the order of suspension. The arrears shall be paid to the appellant within the period of two months from today.

20. The appeal is disposed of in the aforesaid terms.

Pending application(s), if any, shall stand disposed of.

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