IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. OF 2026
(@ Special Leave Petition (Crl.) No.4743/2026)

WITH

I.A. No. 101067/2026

PRASHANT THAKUR ...APPELLANT(S)

VERSUS

THE STATE OF MADHYA PRADESH & ANR. ....RESPONDENT(S)

O R D E R

Leave granted.

2. Being aggrieved by order dated 29.10.2025 passed by the High Court of Madhya Pradesh Principal at Jabalpur in CRA No.6850/2024 by which I.A. No.1563/2025 seeking suspension of sentence imposed by the Special Court was dismissed, the appellant herein has preferred this appeal.

3. Briefly stated, the case of the prosecution is that on 22.05.2020 at around 10.00 pm, the appellant came to the house of the victim on the pretext of returning previously extorted money. Thereafter, he

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Date: 10.12.2025 17:07:24 IST
Reason:

entered the victim's room, took her uncle's ATM card and a slip containing the password. The appellant lured the victim out of the house under the pretext of handing over the money and forcefully took her on a motorcycle to Mandla. On the way, the appellant stopped at an ATM, from where he withdrew Rupees Ten Thousand using the stolen ATM card. Thereafter, he took the victim to a secluded area behind the Government College, where he forcefully committed rape on her and later dropped her home after threatening to kill her if she told anyone about the incident.

4. Based on the aforesaid allegations, FIR No. 320/2020 was registered on 08.09.2020, at P.S. Maharajpur, District Mandla against the appellant herein under Sections 384, 363, 366, 366A, 376(3), 506 of the Indian Penal Code, 1860 (for short, 'IPC') and under Sections 3 and 4 of the Protection of Children from Sexual Offences Act, 2012 (for short, 'POCSO Act'). The appellant was arrested on 09.09.2020.

5. The Special Judge, Protection of Children from Sexual Offences Act, 2012, Mandla, District- Mandla (M.P.) (hereinafter referred to as, 'Trial Court') in S.C. No. 30/2020 by judgment dated 30.05.2024, convicted the appellant for offences punishable under Sections 384 and 366 of IPC and under Section 3 read with Section 4(ii) of the POCSO Act. Following sentence was imposed by the Trial Court:

i) For the offence punishable under Section 384 of the IPC, the appellant was sentenced to undergo rigorous imprisonment for 3 years with fine of Rs. 500/-

ii) For the offence punishable under Section 366 of IPC, the appellant was sentenced to undergo rigorous imprisonment for 5 years with fine of Rs. 1,000/-

iii) For the offence punishable under Section 3 read with Section 4(ii) of POCSO Act, the appellant was sentenced to undergo rigorous imprisonment for 20 years, which shall mean imprisonment for the remainder of the appellant's natural life, with fine of Rs. 2,000/-.

6. Being aggrieved, the appellant filed criminal appeal bearing CRA No. 6850 of 2024 before the High Court. During the pendency of the criminal appeal, the appellant herein had preferred an application bearing I.A. No. 1563 of 2025, seeking suspension of his sentence.

7. The High Court by impugned order dated 29.10.2025, dismissed the application for suspension of sentence preferred by the appellant. The High Court took note of the appellant's submission that the victim had already gotten married to him and since there was no one to look after her, he sought the court's indulgence in the matter on account of their marriage. However, the court observed that power under Article

142 of the Constitution of India could be exercised in the instant case which power did not vest in the High Court. It was observed that there was sufficient material available in the instant case to show that the victim at the time of the incident was a minor and thus, although the subsequent incidents may be a cause for sympathy but the same could not be substituted for legal appreciation of evidence. In the circumstances, the Court expressed its inability in the present case to extend any benefit to the appellant herein.

8. Being aggrieved, the appellant has preferred the instant criminal appeal before this Court. Along with the said appeal, the appellant has also filed an application bearing I.A. No. 101067 of 2026 under Article 142 of the Constitution for setting aside conviction of the appellant on the ground of subsequent marriage between petitioner and victim.

9. We have heard learned counsel for the respective parties.

10. By interim order dated 11.05.2026, this Court had noted the fact that the appellant and the so-called victim had married on 29.01.2024. They were present before this Court. In the circumstances, the sentence imposed on the appellant was suspended. For ease of reference, order dated 11.05.2026 is extracted as under:

> "1. This Special Leave Petition challenges the order dated 29.10.2025 passed by the High Court of Madhya Pradesh

at Jabalpur, in I.A. No. 1563/2025 in Criminal Appeal (CRA) No. 6850/2024, whereby the petitioner's application for suspension of sentence was dismissed.

2. The petitioner, Prashant Thakur faced trial in connection with a crime registered pursuant to FIR 320/2020 dated 08.09.2020 lodged with Police StationMaharajpur, District-Mandla in respect of the offences punishable under Sections 363, 366, 366A, 376(3), 384 and 506 of the Indian Penal Code, 1860 [in short "IPC"] and under Sections 3 and 4 of the Protection of Children from Sexual Offences Act, 2012 [in short "POCSO Act"].

3. The Trial Court vide judgment dated 30.05.2024 convicted the petitioner for the offences under Sections 384 and 366 of the IPC and under Section 3 read with Section 4 of the POCSO Act and awarded a sentence of rigorous imprisonment for a period of twenty years, for the offence under Section 3 read with Section 4(ii) of the POCSO Act, and a sentence of rigorous imprisonment for a period of five years, for the offence under Section 366 of IPC. Further, a sentence of three years of rigorous imprisonment was awarded under Section 384 of IPC.

4. The petitioner, being aggrieved by the order of conviction passed by the Trial Court, filed Criminal Appeal (CRA) No. 6850/2024 before the High Court and the same is pending before the High Court. During the pendency of the appeal, the petitioner filed an application being I.A. No.1563/2025 before the High Court seeking suspension of sentence. The High Court, by the impugned order dated 29.10.2025, dismissed the application filed by the petitioner for suspension of sentence. Hence, the present petition.

5. This Court vide its order dated 27.02.2026, issued notice in the instant matter.

6. Heard learned counsel for the petitioner and learned counsel for the State and perused the material on record.

7. Learned counsel for the petitioner submitted that pursuant to the order dated 24.04.2026, the petitioner is present before this Court. Similarly, the so-called victim is also present before this Court.

8. They have been identified by learned counsel for the petitioner as well as learned counsel appearing for the respondent-State.

9. When we queried the parties, they stated that they have indeed got married on 29.01.2024; that the so-called victim is presently a major; the co-called victim also stated that she would reside with her husband, the petitioner herein. Similarly, the petitioner also stated that if suspension of sentence and bail is granted by this Court he would reside with his wife.

10. Learned counsel for the petitioner, therefore, submitted that the relief of suspension of sentence and bail may be granted having regard to the subsequent developments in the case. It was also submitted that the petitioner has a good case on merits. Hence, the relief may be granted to the petitioner herein.

11. Learned counsel for the respondent-State submitted that having regard to the subsequent developments appropriate orders may be made during the pendency of this petition.

12. Considering the facts on record, in our view, the case for suspension of sentence and interim bail is made out.

13. We, therefore, direct as under:

> "The petitioner shall be produced before the concerned Trial Court as early as possible and the Trial Court shall release him on interim bail, subject to such conditions as it may deem appropriate to impose to ensure his presence in the proceedings."

14. The petitioner shall not misuse his liberty in any manner.

15. Any infraction of the conditions shall entail cancellation of the suspension of sentence granted to the petitioner.

16. List on 26.10.2026 for consideration of the application filed under Article 142 of the constitution of India."

11. Learned counsel for the appellant submitted that as earlier stated an application under Article 142 of the Constitution of India has been filed before this Court. There are no objections filed to the said application. The prayer sought for in the said application is for quashing judgment of conviction dated 30.05.2024 and the consequent sentence imposed by the Special Judge (POCSO Act), Mandla in S.C. No.30/2020 and thereby granting relief to the appellant herein. He therefore, submitted that the application filed under Article 142 of the Constitution may be allowed.

12. In response to this submission, learned Deputy Advocate General (D.A.G.) appearing for the State of Madhya Pradesh submitted that no doubt the parties were married on 29.01.2024 but thereafter he was arrested on 30.05.2024 and therefore, the criminal proceedings were initiated as against the appellant herein and he has been convicted and sentenced. That although by an interim order, this Court has granted suspension of sentence, appropriate orders may be made insofar as the application filed under Article 142 of the Constitution

of India is concerned.

13. We have noted the facts of the present case. We also note that although the incident is said to have been taken place on 22.05.2020. Thereafter on 29.01.2024, the marriage of the appellant/accused with the so-called victim took place. The parties have been living together as husband and wife. It is only subsequently that on 30.05.2024, the appellant was arrested and the criminal proceedings were initiated as against him and he was convicted and sentenced.

14. Being aggrieved, he has preferred his criminal appeal before the High Court. Since, we find that the parties have been married and are living together as husband and wife we find that this is a fit case to exercise our powers under Article 142 of the Constitution of India and grant relief to the appellant as also the so-called victim.

15. We are cognizant of the fact that Article 142 of the Constitution, in cases of serious crimes including crimes against children and women, ought to be invoked sparingly and only when the Court is convinced that justice will be served in the truest sense if the criminal proceedings against the accused is quashed or set aside.

16. Having regard to the fact that the parties had solemnised their marriage during the pendency of criminal proceedings before the Trial Court and continue to cohabit as husband and wife, we are of the

considered view that, in the peculiar facts and circumstances of the present case, it would serve the ends of justice to quash the conviction and sentence imposed upon the appellant, thereby enabling the parties to continue their matrimonial life without the apprehension of pending criminal proceedings and averting any bitterness that may arise therefrom. It is also pertinent to note that the victim, in her affidavit dated 15.01.2025 filed before the High Court, has categorically affirmed that her marriage with the appellant was voluntary and that she desires to reside with accused only as his wife . In view of the aforesaid circumstances, we are of the opinion that the continued prosecution of the appellant would impede the parties in their matrimonial life and perpetuate the uncertainty arising from the pending criminal litigation.

17. This Court in **Ramawatar v. State of M.P., (2022) 13 SCC 635**, while discussing the invocation of powers under Article 142 of the Constitution of India in post-conviction cases, observed as follows:

> "11. The Court in **Ramgopal [Ramgopal v. State of M.P., (2022) 14 SCC 531 : 2021 SCC OnLine SC 834]** further postulated that criminal proceedings involving non-heinous offences or offences which are predominantly of a private nature, could be set aside at any stage of the proceedings, including at the appellate level. The Court, however, being conscious of the fact that unscrupulous offenders may attempt to escape their criminal liabilities by securing a compromise through brute force, threats, bribes, or other such unethical and illegal means,

cautioned that in cases where a settlement is struck post-conviction, the courts should, inter alia, carefully examine the fashion in which the compromise has been arrived at, as well as, the conduct of the accused before and after the incident in question. While concluding, the Court also formulated certain guidelines and held : (SCC para 19)

> "*19.* … Nonetheless, we reiterate that such powers of wide amplitude ought to be exercised carefully in the context of quashing criminal proceedings, bearing in mind:
>
> *19.1. Nature and effect of the offence on the conscience of society;*
>
> *19.2. Seriousness of the injury, if any;*
>
> *19.3. Voluntary nature of compromise between the accused and the victim; and*
>
> *19.4. Conduct of the accused persons, prior to and after the occurrence of the purported offence and/or other relevant considerations.*"
>
> (emphasis supplied)

xxx xxx xxx

13. We, however, put a further caveat that the powers under Article 142 or under Section 482CrPC, are exercisable in post-conviction matters only where an appeal is pending before one or the other judicial forum. This is on the premise that an order of conviction does not attain finality till the accused has exhausted his/her legal remedies and the finality is sub judice before an appellate court. The pendency of legal proceedings, be that may before the final Court, is sine qua non to involve the superior court's plenary powers to do complete justice. Conversely, where a settlement has ensued post the attainment of all legal remedies, the annulment of proceedings on the basis of a compromise would be impermissible. Such an embargo is necessitated to prevent the accused from gaining an indefinite leverage, for such a settlement/compromise will always be loaded

with lurking suspicion about its bona fide. We have already clarified that the purpose of these extraordinary powers is not to incentivise any hollow-hearted agreements between the accused and the victim but to do complete justice by effecting genuine settlement(s).

14. With respect to the second question before us, it must be noted that even though the powers of this Court under Article 142 are wide and far-reaching, the same cannot be exercised in a vacuum. True it is that ordinary statutes or any restrictions contained therein, cannot be constructed as a limitation on the Court's power to do "complete justice". However, this is not to say that this Court can altogether ignore the statutory provisions or other express prohibitions in law. In fact, the Court is obligated to take note of the relevant laws and will have to regulate the use of its power and discretion accordingly.

15. The Constitution Bench decision in **Supreme Court Bar Assn. v. Union of India [Supreme Court Bar Assn. v. Union of India, (1998) 4 SCC 409**, para 48] has eloquently clarified this point as follows : (SCC p. 432, para 48)

> "*48*. The Supreme Court in exercise of its jurisdiction under Article 142 has the power to make such order as is *necessary for doing complete justice* "between the parties in any cause or matter pending before it". The very nature of the power must lead the Court to set limits for itself within which to exercise those powers and ordinarily it cannot disregard a statutory provision governing a subject, except perhaps to balance the equities between the conflicting claims of the litigating parties by "ironing out the creases" *in a cause or matter before it*. Indeed this Court is not a court of restricted jurisdiction of only dispute-settling. It is well recognised and established that this Court has always been a law-maker and its role travels beyond merely dispute-settling. It is a "problem-solver in the nebulous areas" (see **K. Veeraswami v. Union of India [K. Veeraswami**

> **v. Union of India, (1991) 3 SCC 655 : 1991 SCC (Cri) 734]**) but the substantive statutory provisions dealing with the subject-matter of a given case cannot be altogether ignored by this Court, while making an order under Article 142. Indeed, these constitutional powers cannot, in any way, be *controlled* by any statutory provisions but at the same time these powers are not meant to be exercised when their exercise *may come directly in conflict* with what has been expressly provided for in a statute dealing expressly with the subject."
>
> (emphasis in original)"

18. In the circumstances, we quash the proceedings which have culminated in S.C. No.30/2020 and consequently the judgment of conviction dated 30.05.2024 and the sentence imposed upon him by the Special Judge (POCSO Act), Mandla by allowing the application filed under Article 142 of the Constitution of India. Consequently, the proceeding in CRA No.6850/2024 also stands quashed.

19. The application filed under Article 142 of the Constitution of India is allowed having regard to the peculiar facts and circumstances of the case. Consequently, this appeal is also allowed.

.....J.
[B.V. NAGARATHNA]

.....J.
[R. MAHADEVAN]

NEW DELHI
OCTOBER 26, 2026.

ITEM NO.3 COURT NO.3 SECTION II-E

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl.) No(s). 4743/2026

[Arising out of impugned final judgment and order dated 29-10-2025 in IA No. 1563/2025 passed by the High Court of Madhya Pradesh Principal Seat at Jabalpur]

PRASHANT THAKUR Petitioner(s)

VERSUS

THE STATE OF MADHYA PRADESH & ANR. Respondent(s)

IA No. 64938/2026 - CONDONATION OF DELAY IN FILING
IA No. 64936/2026 - EXEMPTION FROM FILING O.T.
IA No. 101067/2026 - APPLICATION FILED UNDER ARTICLE 142 OF THE CONSTITUTION OF INDIA FOR SETTING ASIDE CONVICTION OF PETITIONER ON GROUND OF SUBSEQUENT MARRIAGE BETWEEN PETITIONER AND PROSECUTRIX

Date : 26-10-2026 This matter was called on for hearing today.

CORAM :
HON'BLE MRS. JUSTICE B.V. NAGARATHNA
HON'BLE MR. JUSTICE R. MAHADEVAN

For Petitioner(s) :Mr. Sarthak Nema- 4049, AOR
Mrs. Udita Maindiretta, Adv.

For Respondent(s) :Mr. V.V.M.B.N.S. Pattabhiram, D.A.G.
Mr. Harmeet Singh Ruprah- 2308, AOR
Mr. Arkaj Kumar Ga, Adv.
Ms. Sakshi Raman, Adv.

UPON hearing the counsel the Court made the following

O R D E R

Leave granted.

The application filed under Article 142 of the Constitution of India and this appeal are allowed in terms of the signed order.

Pending application(s) shall stand disposed of.

(NEETU SACHDEVA) (DIVYA BABBAR)

DEPUTY REGISTRAR **COURT MASTER (NSH)**

(signed order is placed on the file)