

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 115 OF 2025
(@ SLP (CRL.) NO.9413/2022)

A. VIJAY @ VIJAYA KUMAR

APPELLANT

VERSUS

STATE

RESPONDENT

ORDER

1. Leave granted.
2. The appellant was convicted for an offence under Sections 417 and 376 of the Indian Penal Code (for short 'the IPC'). He was sentenced to undergo rigorous imprisonment for a period of one year and a fine of Rs.2,000/- for the offence under Section 417 of IPC and for a period of 12 years and a fine of Rs.5,000/- for the offence under Section 376 of IPC.
3. The appeal against the conviction and sentence was dismissed by the High Court whereupon the present appeal has been preferred.
4. During the pendency of this appeal, the appellant and the complainant have jointly filed an application supported by an affidavit and annexing a Compromise Deed dated 29.07.2022 wherein it has been stated that both of them have married and out of the said wedlock a daughter was born and they are living together happily. In such a situation, the complainant does not want to press her complaint for the prosecution or conviction of the appellant.
5. Learned counsel for the State upon instructions admits that the appellant and the complainant have married. They are living happily and they have no grievance against each

other in connection to their marriage or the offence committed.

6. It is pertinent to note that, the appellant was already married at the time of commission of the offence. Therefore, under the Hindu Marriage Act, 1956, he could not have entered into a second marriage during the subsistence of the first marriage but there appears to be no complaint in this regard by his first wife. The offence of second marriage is essentially one in personam, may be affecting the society at large. But, since none of the parties to the marriage have any issue in the subject rather are stated to be living happily, we consider it appropriate to close the matter, more particularly, when it is not clear as to whether they have married according to the Hindu rituals or otherwise, as the wife is a Christian by religion, as stated in the Compromise Deed. Therefore, in the facts and circumstances, more particularly when the parties are menial workers who work as Dhobi and labourer respectively as also there being a child born to them, it is considered appropriate to give quietus to the matter.

7. Accordingly, in exercise of powers under Article 142 of the Constitution of India, we close the matter by upholding the conviction order but by modifying the sentence of imprisonment to that of already undergone.

8. The appeal is allowed accordingly. Pending application(s), if any, shall stand disposed of.

.....J.
(PANKAJ MITHAL)

.....J.
(AHSANUDDIN AMANULLAH)

NEW DELHI
08th JANUARY, 2025

ITEM NO.8

COURT NO.16

SECTION II-C

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 (CrI.) No(s). 9413/2022
[Arising out of impugned final judgment and order dated 04-02-2022
in CRLA No. 459/2019 passed by the High Court of Judicature at
Madras]

A. VIJAY @ VIJAYA KUMAR

Petitioner(s)

VERSUS

STATE

Respondent(s)

(IA No. 79187/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT IA No. 79186/2022 - EXEMPTION FROM FILING O.T.
IA No. 138787/2022 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES)

Date : 08-01-2025 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE PANKAJ MITHAL
HON'BLE MR. JUSTICE AHSANUDDIN AMANULLAH

For Petitioner(s) Mr. G.S Mani, Adv.
Mr. Rajesh Kumar Maurya, Adv.
Ms. Yasmeen, Adv.
Mr. Ashok Kumar Rai, Adv.
Ms. Haseena M, Adv.
Mr. R. Sathish, AOR

For Respondent(s) Mr. D.Kumanan, AOR
Mrs. Deepa. S, Adv.
Mr. Sheikh F. Kalia, Adv.
Mr. Veshal Tyagi, Adv.
Mr. Chinmay Anand Panigrahi, Adv.
Ms. Shagufa Khan, Adv.

UPON hearing the counsel the court made the following
O R D E R

1. Leave granted.
2. The appeal is allowed in terms of the signed order. Pending application(s), if any, shall stand disposed of.

(Ram Subhag Singh)
Assistant Registrar

(Geeta Ahuja)
Assistant Registrar-cum-PS

(Signed Order is placed on the file)