

News

Why the Supreme Court ruled that the parties in the rape on promise to marry case should have first seen an astrologer in SP v. DSP



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SUPREME COURT OF INDIA



A police officer was accused of rape based on a fraudulent marriage promise in a case that was before the court. A senior police officer is also the complainant.

The Supreme Court noted in a humorous statement during an otherwise somber hearing on Tuesday that a man who is accused of rape under false pretenses of marriage ought to have

looked at his horoscope before starting a relationship rather than later breaking the alleged commitment because of a mismatch.

A plea by the victim-complainant against the Patna High Court's 2024 quashing of her case was being heard by the bench of Justices **JB Pardiwala** and **KV Viswanathan**.

The woman's attorney said that the accused guy had engaged in sexual intercourse with her under false pretenses of marriage when the bench questioned why the First Information Report (FIR) had been submitted.

Justice **Pardiwala** attempted to verify the claim.

On the basis of his guarantee, you kept the relationship going? The judge inquired, "That's your case?"

The accused started the relationship on his own, but he later declined to marry her, the lawyer retorted.

The attorney responded to the bench's question on the man's withdrawal by saying,

"Because the horoscopes were different."

"Astrology seems to have been consulted rather late in the relationship," said Justice **Pardiwala**, grinning.

"Well, it is a really significant query. How can you have a happy married life if your stars don't align? Therefore, you should have had your horoscopes matched before starting a relationship. The judge said, "You only sought the advice of an astrologer at the time of marriage."

The plaintiff in this case was a Deputy Superintendent of Police, whereas the perpetrator was a Superintendent of Police. In 2014, the two had worked in the same district.

The Court asked about previous attempts to settle the case during today's hearing.

Speaking on behalf of the accused officer, Senior Advocate K Parameshwar stated that although the parties had been instructed to consider a settlement in a prior ruling, his client could not afford the suggested sum.

Five crores is more than I can afford. I'm married now. The senior attorney stated, "I have two children."

Justice Viswanathan concurred that the sum was significant. In response, the complainant's attorney stated that her client was coerced into the partnership.

The bench, however, was not persuaded by the submission.

"Who would think this was true? Justice Pardiwala said, "You are a DSP."

As her boss, the accused had followed her relentlessly and started corresponding with her via texts, the attorney clarified.

After that, the bench inquired about their ages. It was argued that the accused cop was seven years younger than the woman, who was over 40.

The bench then stated that mediation was a better option than protracted litigation for resolving the issue.

The Court stated, "We believe that fighting with each other will not be in the interest of the parties, regardless of what may have happened in the past, given the peculiar facts of this case."

In order to enable the parties reach a mutually agreeable settlement, the bench designated Justice Gita Mittal, a former Chief Justice of the Jammu and Kashmir High Court, as a mediator.

The parties have been instructed to get in touch with the mediator and arrange the terms of the mediation.