

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS
WRIT PETITION (CRL.) NO(s). 68 OF 2008

LALITA KUMARI

Petitioner(s)

VERSUS

GOVT.OF U.P.& ORS.

Respondent(s)

(With appln(s) for intervention,permission to file additional documents)

SLP(Crl) NO. 5986 of 2006

(With appln. for stay and permission to file addl. documents and exemption from filing O.T. and with office report)

SLP(Crl) NO. 5200 of 2009

(With appln. for exemption from filing c/c of the impugned Judgment and with office report)

APPEAL(CRL) NO. 1410 of 2011

(With appln. for permission to file addl. documents and exemption from filing c/c of the impugned order and c/delay in filing SLP and office report)

WITH APPEAL(CRL) NO. 1267 of 2007

(With appln. for stay)

CONTMT.PET.(C) D NO. D26722 of 2008 IN

W.P.(CRL.) NO.68/2008

(With appln. for Stay)

Date: 19/02/2014 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SUDHANSU JYOTI MUKHOPADHAYA

HON'BLE MR. JUSTICE DIPAK MISRA

For Petitioner(s)/
Appellants

Mr. S.B. Upadhyay, Sr. Adv.
Mr. B.K. Shahi, Adv.
Mr. Ashwani Kumar, Adv.
Mr. M.K. Singh, Adv.
Mr. Atul Kumar, Adv.
Mrs.Mona K. Rajvanshi, AOR
Mr. Maram Mishra, Adv.
Ms. Kumud Lata Das, Adv.

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CRL.A.1410/11

Mr. G. Sivabalamurugan, Adv.
Mr. Anis Mohammad, Adv.
Mr. B.R. Pandey, Adv.
Mr. L.K. Pandey, AOR

SLP(CRL.) 5200/09

Mr. Abhijat P. Medh, AOR

SLP(CRL.) 5986/06

Ms. Shalu Sharma, AOR

CRL.A.1267/07

Mr. Sudarshan Singh Rawat, AOR

C.P.(C) D26722/08

Mr. Debasis Misra, AOR

For Respondent(s)	Mr. K.V. Vishwanathan, ASG Mr. R. Nedumaran, Adv. Ms. Padma Lakshmi, Adv. Mr. Mehul M. Gupta, Adv. Ms. Movita, Adv. Mr. T. Sakthi Kumaran, Adv. Mr. Gautam Bharadwaj, Adv. Ms. Satya Siddiqui, Adv. Mr. Sarfraz A. Siddiqui, Adv. Mr. S.K. Mishra, Adv. Mr. D.S. Mahra, AOR
For C.B.I.	Mr. Mohan Parasaran, SG Mr. P.K. Dey, Adv. Mr. T.A. Khan, Adv. Mr. B.V. Balram Das, Adv.
For State of U.P.	Mr. R.K.Dash, Sr. Adv. Ms. Archana Singh, Adv. Mr. Abhishth Kumar, Adv. Mr. C.D. Singh, Adv. Ms. Sakshi Kakkar, Adv.
For State of Chhattisgarh	Mr. Sidharth Luthra, ASG Mr. P.D. Dubey, Adv. Ms. Supriya Juneja, Adv. Mr. Gurmohan Singh Bedi, Adv. Ms. Aandna Handa, Adv. Mr. C.D. Singh, AOR
For State of M.P.	Ms. Vibha Datta Makhija, Sr. Adv. Mr. Mishra Saurabh, AOR
For West Bengal	Mr. Kalyan Kr. Bandopadhyay, Sr. Adv. Mr. Anip Sachthey, Adv.
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For Maharashtra	Mr. Shekhar Naphade, Sr. Adv. Mr. Sanjay Kharde, Adv. Mr. Sachin J. Patil, Adv. Mr. Shankar Chillarge, Adv. Mr. Sushil Karanjkar, Adv. Ms. Asha G. Nair, Adv. Ms. Shubhangi Tuli, Adv. Mr. Preshit V. Surshe, Adv. Mr. Ravindra Keshavrao Adsure, AOR
For Sikkim	Mr. A. Mariarputham, A.G., Sikkim Mrs. Aruna Mathur, Adv. Mr. Yusuf Khan, Adv. for M/s. Arputham, Aruna & Co.
For State of J&K	Mr. Ashok Mathur Adv. Ms. Shilpa Dutta, Adv. Ms. Astha Sharma, Adv. Ms. Sharmila Upadhyay, AOR
For Intervenor	Mr. Debasis Mishra, AOR
For Gujarat	Ms. Hemantika Wahi, AOR

For Arunachal Pradesh	Mr. D. Mahesh Babu, Adv. Mr. Amit K. Naini, Adv. Ms. Suchitra Hrangkhawl, Adv. Mr. Amjid Maqbool, Adv. Mr. Aditya Jain, Adv. Mr. B. Rama Krishna Rao, Adv. Mr. Anil Shrivastav, AOR Mr. Rituraj Biswas, Adv. Mr. Kamlendra Mishra, AOR
For Manipur	Mr. Sapam Biswajit Meitei, Adv. Mr. Khwairakpam Nobin Singh, AOR Ms. Kamini Jaiswal, AOR
For Uttarakhand	Mr. Jatinder Kumar Bhatia, AOR Mr. Mukesh Verma, Adv. Mr. Naresh K. Sharma, AOR Mr. P.V. Dinesh, AOR Ms. Anitha Shenoy, AOR
For State of Bihar	Mr. Gopal Singh, AOR Mr. Manish Kumar, Adv. Mr. Chandan Kumar, Adv.
For Tripura	Mr. Gopal Singh, Adv. Mr. Ritu Raj Biswas, Adv.
For State of Jharkhand	Mr. Anil K. Jha, AOR Ms. Priyanka Tyagi, Adv.
For Assam	Ms. Vartika S. Walia, Adv. for M/s. Corporate Law Group Ms. Sumita Hazarika, AOR Mr. Satish Vig, AOR Mr. Aruneshwar Gupta, AOR Mrs. D. Bharathi Reddy, AOR
For U.T. Puducherry	Mr. V.G. Pragasam, AOR Mr. S.J. Aristotle, Adv. Mr. Prabu Ramasubramanian, Adv. Mr. Dharmendra Kumar Sinha, AOR Mr. Ajay Pal, AOR Mr. R. Nedumaran, AOR Mr. Ranjan Mukherjee, AOR Ms. A. Subhashini, AOR
For Intervenor	Dr. Monika Gusain, AOR Mr. S. Thananjayan, AOR Mr. Sudarshan Singh Rawat, AOR

Mr. Anoop Kumar Srivastava, Adv.
Mr. Sunil Puri, Adv.
Mr. Rameshwar Prasad Goyal, AOR

For Punjab Mr. V. Madhukar, AAG
Mr. Dinesh Sharma, Adv.
Mr. Paritosh Anil, Adv.
Ms. Anvita Cowshish, Adv.
Mr. Kuldip Singh, AOR

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For NCT Delhi Mr. S. Wasim A. Qadri, Adv.
Mr. D.S. Mehra, Adv.
Mr. Mahmood Umar, Adv.
Mr. T. Qadri, Adv.

For Tamil Nadu Ms. Vanita Giri, Adv.
Mr. A Santha Kumaran, Adv.
Mr. M. Yogesh Kanna, AOR

For Nagaland Mrs. K. Enatoli Sema, Adv.
Mr. Amit Kumar Singh, Adv.

For Kerala Mr. M.T. George, Adv.
Ms. Kanitha K.T., Adv.

For State of H.P. Mr. Suryanaryana Singh, AAG
Ms. Pragati Neekhara, Adv.

For Mizoram Mr. K.N. Madhusoodhan, Adv.
Mr. R. Sathish, Adv.

For Haryana Mr. Manjit Singh, AAG
Mrs. Vivekta Singh Adv.
Ms. Nupur Chaudhary, Adv.

For Rajasthan Mr. S.S. Shamschery, AAG
Mr. Bharat Sood, Adv.
Mr. Varun Punia, Adv.
Mr. Sandeep Singh, Adv.
Mr. Ritesh Prakash Yadav, Adv.
Mr. Harshvardhan Singh Rathore, Adv.
Mr. Amit Sharma, Adv.
Mr. Irshad Ahmad, Adv.

Mr. Aniruddha P. Mayee, Adv.
Mr. Charudatta Mahindrakar, Adv.

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

W.P.(Crl.)No. 68/2008

The Writ Petition is dismissed in terms of the Signed Order.

SLP (Crl.) No. 5986/2006

This special leave petition was filed against the order dated 18th October, 2006 passed by the High Court

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of Punjab and Haryana at Chandigarh in Crl. Misc. No. 21452-M of 2004. By the impugned order, the High Court directed to register FIR against the accused persons.

In view of the Judgment dated 12th November, 2013 delivered by the Constitution Bench of this Court in the case of Lalita Kumar Vs. Govt. of U.P. & Ors. and other connected matters reported in 2014 (2) SCC 1, we find no ground to interfere with this matter.

The special leave petition is dismissed.

Criminal Appeal No.479 of 2014
(arising out of SLP (Crl.) No.5200/2009)

Leave granted.

The appeal is allowed in terms of the Signed Order.

Crl. Appeal No. 1410/2011

Post this matter alongwith Criminal Appeal No. 567/2012 and
Criminal Appeal No. 568/2012 next week on the top of the list.

Crl. Appeal No. 1267/2007

The appeal is dismissed in terms of the Signed Order.

Contempt Petition(C)No.D26722/2008 in WP(Crl.)No.68/2008

Contempt Petition is dismissed in terms of the Signed
Order.

[RAJNI MUKHI]
SR. P.A.

[USHA SHARMA]
COURT MASTER

(Signed Order is placed on the file)
IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

W.P. (CRL.) NO. 68/2008

LALITA KUMARI

.....PETITIONER

VS.

GOVT. OF U.P. & ORS.

.....RESPONDENTS

WITH

CRIMINAL APPEAL NO.479 OF 2014
(arising out of SLP (Crl.) No. 5200 of 2009)

DR. BALDEV SINGH CHEEMA

... APPELLANT

VERSUS

STATE OF PUNJAB AND ORS.

...RESPONDENTS

WITH

CRIMINAL APPEAL NO. 1267 OF 2007

STATE OF U.T. CHANDIGARH & ANR.

....APPELLANTS

VERSUS

PUSHPA RANI GUPTA & ORS.

....RESPONDENTS

WITH

CONTEMPT PETITION) NO. D26722 OF 2008
IN
WRIT PETITION (CRL.) NO. 68 OF 2008

DALJIT SINGH GREWAL

...PETITIONER

VERSUS

RAMESH INDER SINGH & ORS.

...RESPONDENTS

O R D E R

W.P.(Crl.)No. 68/2008

The learned counsel for the petitioner submits that the Petitioner-Lalita Kumari has been recovered, the case has become infructuous.

The Writ Petition is accordingly dismissed having become infructuous.

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Criminal Appeal No. of 2014
(arising out of SLP (Crl.) No.5200/2009)

Leave granted.

This appeal has been preferred by the appellant against the order dated 29th September, 2008 passed by the High Court of Punjab and Haryana at Chandigarh in Crl. Misc. No. 7454-M of 2008. By the impugned Judgment, the High Court refused to direct the State authorities to get a case of murder registered.

We have gone through the record and heard the learned counsel for the State, it is not clear whether State authorities have registered the FIR against the accused persons or not in spite of information given by the petitioner about the alleged murder.

In view of the Judgment dated 12th November, 2013 delivered by the Constitution Bench of this Court in the case of Lalita Kumar Vs. Govt. of U.P. & Ors. and other connected matters reported in 2014 (2) SCC 1, we set aside the impugned order passed by the High Court and direct Respondent No.4 to register FIR, if not yet registered and proceed in accordance with law and the law laid down by this Court in the above-said judgment.

The appeal is allowed with the aforesaid observations and directions.

Crl. Appeal No. 1267/2007

In view of the judgment dated 12th November, 2013 delivered by the Constitution Bench of this Court in the case of Lalita Kumar Vs. Govt. of U.P. & Ors. and other connected matters reported in 2014 (2) SCC 1, the appeal is dismissed.

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Contempt Petition(C) No.D26722/2008 in WP (Crl.) No.68/2008

Nobody appears on behalf of the petitioner.

We have gone through the records, we find no merits to proceed with the matter.

Contempt Petition is dismissed.

.....J.
(SUDHANSU JYOTI MUKHOPADHAYA)

.....J.
(DIPAK MISRA)

NEW DELHI;
FEBRUARY 19, 2014