

11-05-2018

ITEM NO.4

COURT NO.1

Supreme Court of SECTION X

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

682878

M.A. No. 2199/2018 in Writ Petition (CrI.) No. 113/2018

AFSHAN PRACHA

Petitioner

VERSUS

UNION OF INDIA

Respondent

Date : 27-08-2018 This matter was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE DR. JUSTICE D.Y. CHANDRACHUD

For Petitioner

Ms. Tasneem Ahmadi, Adv.
Ms. Mahima Rathi, Adv.
Mr. Amir Naseem, Adv.
Mr. Ali Mustaq, Adv.
Ms. Nehmat Kaur, Adv.
Mr. Tariq Ahmed, Adv.
Mr. Sanjay Jain, AOR

For Respondent

Mr. Aman Lekhi, ASG
Mr. Zoheb Hossain, Adv.
Mr. Dushyant Parihar, Adv.
Mr. B.V. Fairam Das, Adv.

Mr. Sibosankar Mishra, Adv.

UPON hearing the counsel the Court made the following

O R D E R

We have perused the compliance report. Barring the High Court of Jammu and Kashmir, all the High Courts have complied with the directions issued on 11.5.2018.

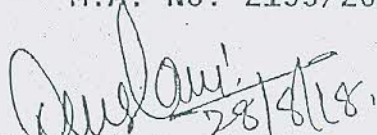
In view of the aforesaid, we require the High Court of Jammu and Kashmir to comply with the directions of this Court within four weeks hence.

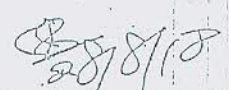
The Registry of this Court is directed to send a copy of the order dated 11.5.2018 and the order passed today to the Registrar General of the High Court of Jammu and Kashmir, so that he can place the matter before the learned Chief Justice of the High Court and the needful can be done.

A further direction is required to be issued, keeping in view that the order dated 11.5.2018 has been complied with. The Registries of all the High Courts are directed to place notices on their respective websites, so that the grieved persons can be apprised of the existence of the Committees. That apart, appropriate directions should be issued by each of the High Courts to the District Courts, so that they can do the needful in the matter, to duly publicize the constitution of the Committees.

The Registry of this Court is directed to communicate the order to the Registrars General of all the High Courts for necessary compliance.

M.A. No. 2199/2018 is accordingly disposed of.


(Deepak Guglani)
Court Master


(H.S. Parasher)
Assistant Registrar

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S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition(s) (Criminal) No(s).113/2018

AFSHAN PRACHA

Petitioner(s)

VERSUS

UNION OF INDIA & QRS.

Respondent(s)

Date : 11-05-2018 This petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE DR. JUSTICE D.Y. CHANDRACHUD

For Petitioner(s) Ms. Indira Jaising, Sr. Adv.
Ms. Mahalakshmi Pavani, Sr. Adv.
Mr. Rudro Chatterjee, Adv.
Ms. Tasneem Ahmadi, Adv.
Ms. Manisha Tyagi, Adv.
Ms. Sunita Bhardwaj, Adv.
Mr. Mehmood Pracha, Adv.
Ms. Sudha Gupta, Adv.
Ms. Lily Thomas, Adv.
Ms. Sufia Aqil, Adv.
Mr. Digvijay Singh, Adv.
Mr. R.H.A. Sikander, Adv.
Ms. Deepa Sriniwasan, Adv.
Mr. Prateek Gupta, Adv.
Mr. Danish, Adv.
Mr. Mohd. Danish, Adv.
Mr. Dilawar Abbas, Adv.
Mr. Rehan Ahmad, Adv.
Mr. Amir Naseem, Adv.
Mr. A. Chaliha, Adv.
Mr. Sanjay Jain, Adv. [AOR]

For Respondent(s) Mr. Aman Lekhi, ASG
Mr. Zoheb Hossain, Adv.
Mr. Rohit Bhat, Adv.
for
Mr. B.V. Balaramdas, Adv. [AOR]

DBA

Mr. Ramesh Gupta, Sr. Adv.
Mr. Manish Kr. Singh, Adv.
Mr. Rajiv Khosla, Adv.
Mr. Surender Chauhan, Adv.

Mr. Vikas Singh, Sr. Adv.

Mr. Manan Kr. Mishra, Sr. Adv.

Delhi High Court

Mr. A.D.N. Rao, Adv.
Mr. A. Venkatesh, Adv.
Mr. Sudipto Sircar, Adv.
Mr. Rahul Mishra, Adv.
Mr. Tulika Chikker, Adv.

Mr. Arun Kumar, Adv.
Mr. Dheeraj Kr. Singh, Adv.

Mr. Manish Jain, Adv.

Mr. Prakeshi Sharma, Adv.
Mr. Mohd. Naved, Adv.

UPON hearing the counsel the Court made the following

O R D E R

When the petitioner, a practising lawyer, approached this Court on 09.05.2018, this Court had passed a long order and issued the following directions :

"(i) The petitioner shall be given adequate police protection by the Commissioner of Police, New Delhi so that her statement can be recorded under Section 164 Cr.P.C.;

(ii) The statement under Section 164, Cr.P.C. shall be recorded by the Chief Metropolitan Magistrate at Patiala House Court, New Delhi;

(iii) The security that shall be granted to the petitioner should be the women police officers of appropriate rank;

(iv) The Bar Association of Tis Hazari Court is restrained from going on strike or participating in any kind of boycott of any Court in Tis Hazari or any other Court."

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We have been apprised that the statement of the petitioner under Section 164, Cr.P.C. has already been recorded by the concerned Chief Metropolitan Magistrate at Patiala House Courts, New Delhi.

In the course of hearing, we have been apprised that the petitioner has lodged an FIR bearing No.124/2018 at P.S. Subzi Mandi, Delhi and a counter-FIR bearing No.123/2018 has also been lodged.

Ms. Indira Jaising, learned senior counsel appearing for the petitioner and the petitioner submit that the counter-FIR is a manipulated one and has been lodged by persons who have been instigated by the accused in her FIR.

On the contrary, there is a submission on behalf of the learned counsel for the respondents that the FIR is genuine.

The question whether any of the FIRs is genuine or not, cannot be decided by this Court in a petition under Article 32 of the Constitution of India. It is a matter for investigation and eventual trial. We leave it at that.

In the course of further hearing, learned counsel for the parties further submitted that the cases arising out of the FIRs lodged under Section 154, Cr.P.C. should proceed. We accordingly order that the said FIRs shall be dealt with in accordance with law.

Regard being had to the facts and circumstances, it is directed as follows :

- (i) An officer of the rank of Assistant Commissioner of Police (ACP), Crime Branch, New Delhi shall investigate into both the FIRs.
 - (ii) In both the FIRs, though lodged at P.S. Subzi Mandi, Delhi, if eventually chargesheets are filed and trial is held, for all purposes it shall be at Patiala House Courts, New Delhi.
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