

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 459/ 2020
(@ SLP (CrI.) No(s).2723/2020)

NEELAM TYAGI & ORS. Appellant (s)

VERSUS

DEEPAK KUMAR & ORS. Respondent(s)

O R D E R

Leave granted.

Respondent No.1 filed Criminal Writ Petition No.790 of 2020 for issuance of Writ of Habeas Corpus for production of his mother Smt. Sudesh Tyagi, w/o Ram Kishor Tyagi. The High Court by its judgment dated 20.05.2020 disposed of the writ petition with certain directions aggrieved by which the appellants are before this Court.

As Smt. Sudesh Tyagi appeared in the proceedings through Video Conferencing, the High Court discharged the Writ of Habeas Corpus. Having passed such an order, the High Court proceeded to give some directions to appellant No.3 Ashok Tyagi to remove himself from the premises forthwith. Certain other directions were also issued to respondent Nos. 4 and 5. The High Court further directed the S.H.O of the area to ensure the safety of Smt Sudesh Tyagi.

Having heard the learned senior counsel for the parties, we are of the opinion that the High Court ought not to have issued any directions pertaining to the rights of the parties over the property in question and are therefore, set aside.

However, taking into account the age of Sudesh Tyagi, we direct that her possession shall not be disturbed and she shall be permitted free access to the premises. We make it clear that we have not expressed any view on the merits of the matter pertaining to the rights of the parties over the property.

The appeal shall stand disposed of accordingly.

.....J.
(L. NAGESWARA RAO)

.....J.
(KRISHNA MURARI)

.....J.
(S. RAVINDRA BHAT)

New Delhi,
Dated: June 19, 2020

ITEM NO.18

Virtual Court 6

SECTION II-C

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

Petition(s) for Special Leave to Appeal (Cr1.) No(s). 2723/2020

(Arising out of impugned final judgment and order dated 20-05-2020 in WPCRL No. 790/2020 passed by the High Court Of Delhi At New Delhi)

NEELAM TYAGI & ORS.

Petitioner(s)

VERSUS

DEEPAK KUMAR & ORS.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.51145/2020-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.51146/2020-EXEMPTION FROM FILING O.T.)

Date : 19-06-2020 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE L. NAGESWARA RAO
HON'BLE MR. JUSTICE KRISHNA MURARI
HON'BLE MR. JUSTICE S. RAVINDRA BHAT

For Petitioner(s) Mr Dushyant A Dave, Sr. Adv.
Mr M R Shamshad, AOR,
Mr Aditya Samaddar Adv
Mr Arijit Sarkar, Adv.

For Respondent(s) Mr. Sidharth Luthra, Sr.Adv.
Ms. Supriya Juneja, AOR
Mr. Aditya Singla, Adv.
Mr. Amit Singh Rathore, Adv.
Mr. Chetan Tyagi, Adv.
Mr. Akshay Sehgal, Adv.

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

Leave granted.

The appeal shall stand disposed of in terms of the Signed Order.

Pending application(s), if any, shall also stand disposed of.

(GEETA AHUJA)
COURT MASTER (SH)

(ANAND PRAKASH)
BRANCH OFFICER

(The Signed Order is placed on the file)