

ITEM NO.1502

COURT NO.2

SECTION PIL-W

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

Writ Petition(s)(Civil) No(s). 943/2021

ASHWINI KUMAR UPADHYAY

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

IA No. 210225/2023 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 192188/2023 - INTERVENTION APPLICATION
IA No. 171810/2022 - INTERVENTION APPLICATION
IA No. 210218/2023 - INTERVENTION/IMPLEADMENT

WITH

W.P.(C) No. 788/2020 (PIL-W)
IA No. 50785/2020 - INTERVENTION/IMPLEADMENT
IA No. 48329/2020 - INTERVENTION/IMPLEADMENT
IA No. 72236/2020 - STAY APPLICATION

W.P.(C) No. 789/2020 (PIL-W)
IA No. 50786/2020 - INTERVENTION/IMPLEADMENT
IA No. 48338/2020 - INTERVENTION/IMPLEADMENT
IA No. 72228/2020 - STAY APPLICATION

W.P.(C) No. 477/2020 (PIL-W)
IA No. 48986/2020 - EX-PARTE STAY
IA No. 48987/2020 - EXEMPTION FROM FILING O.T.
IA No. 51005/2020 - INTERVENTION/IMPLEADMENT

W.P.(C) No. 956/2020 (PIL-W)
IA No. 91135/2020 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 93533/2020 - CLARIFICATION/DIRECTION
IA No. 96666/2020 - EARLY HEARING APPLICATION
IA No. 91134/2020 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 94600/2020 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 94685/2020 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 98416/2020 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 90944/2020 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 93535/2020 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 94668/2020 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 92913/2020 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 91171/2020 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 91136/2020 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 105261/2020 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 94614/2020 - EXEMPTION FROM FILING AFFIDAVIT

IA No. 92885/2020 - INITIATING CONTEMPT PROCEEDINGS
IA No. 96664/2020 - INTERVENTION APPLICATION
IA No. 94643/2020 - INTERVENTION APPLICATION
IA No. 96369/2020 - INTERVENTION APPLICATION
IA No. 94633/2020 - INTERVENTION APPLICATION
IA No. 95678/2020 - INTERVENTION APPLICATION
IA No. 108087/2020 - INTERVENTION APPLICATION
IA No. 95675/2020 - INTERVENTION APPLICATION
IA No. 95066/2020 - INTERVENTION APPLICATION
IA No. 94683/2020 - INTERVENTION/IMPLEADMENT
IA No. 98414/2020 - INTERVENTION/IMPLEADMENT
IA No. 94667/2020 - INTERVENTION/IMPLEADMENT
IA No. 94621/2020 - INTERVENTION/IMPLEADMENT
IA No. 105260/2020 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES

SLP(C) No. 6913/2021 (XII-A)
FOR ADMISSION and I.R. and IA No.61254/2021-EXEMPTION FROM FILING
C/C OF THE IMPUGNED JUDGMENT and IA No.61346/2021-EXEMPTION FROM
FILING AFFIDAVIT and IA No.61255/2021-EXEMPTION FROM FILING
AFFIDAVIT and IA No.61345/2021-INTERVENTION/IMPLEADMENT and IA
No.61253/2021-PERMISSION TO APPEAR AND ARGUE IN PERSON

W.P.(C) No. 907/2021 (PIL-W)
IA No. 100429/2021 - EXEMPTION FROM FILING AFFIDAVIT

W.P.(C) No. 1265/2021 (X)
FOR ADMISSION and IA No.150287/2021-EXEMPTION FROM FILING O.T.

W.P.(C) No. 24/2022 (PIL-W)
IA No. 270411/2025 - CLARIFICATION/DIRECTION
IA No. 238789/2025 - CLARIFICATION/DIRECTION
IA No. 270442/2025 - CLARIFICATION/DIRECTION
IA No. 270534/2025 - INTERVENTION/IMPLEADMENT

W.P.(C) No. 80/2022 (PIL-W)
FOR ADMISSION and IA No.17397/2022-EXEMPTION FROM FILING O.T.

W.P.(C) No. 940/2022 (PIL-W)
FOR CLARIFICATION/DIRECTION ON IA 8752/2024

SLP(Crl) No. 5107/2023 (II-D)

CONMT.PET.(C) No. 776/2023 in W.P.(C) No. 940/2022 (PIL-W)
IA No. 63957/2023 - APPROPRIATE ORDERS/DIRECTIONS

Diary No(s). 11853/2023 (PIL-W)

W.P.(C) No. 515/2023 (PIL-W)
FOR ADMISSION and IA No.88202/2023-EXEMPTION FROM FILING O.T.

W.P.(C) No(s). 943/2021 and connected cases

**CONMT.PET.(C) No. 1153/2023 in W.P.(C) No. 943/2021 (PIL-W)
FOR ADMISSION**

**Diary No(s). 41754/2023 (PIL-W)
IA No. 264670/2023 - EXEMPTION FROM FILING O.T.**

**CONMT.PET.(C) No. 1235/2023 in W.P.(C) No. 940/2022 (PIL-W)
FOR ADMISSION**

Diary No(s). 5793/2024 (PIL-W)

**W.P.(C) No. 128/2024 (PIL-W)
FOR ADMISSION**

**W.P.(C) No. 200/2024 (X)
No.73938/2024-EXEMPTION FROM FILING O.T.**

**Diary No(s). 1579/2025 (PIL-W)
IA No. 9122/2025 - EXEMPTION FROM FILING O.T.**

**Diary No(s). 3470/2025 (PIL-W)
IA No. 17667/2025 - APPLICATION FOR PERMISSION**

**Date : 29-04-2026 These matters were called on for
pronouncement of judgment today.**

CORAM :

**HON'BLE MR. JUSTICE VIKRAM NATH
HON'BLE MR. JUSTICE SANDEEP MEHTA**

**For Petitioner(s) : Mr. Siddharth Agarwal, Sr. Adv.
Ms. Tara Narula, Adv.
Mr. Adit Pujari, Adv.
Ms. Soujhanya Shankaran, Adv.
Mr. Harshvardhan Jain, Adv.
Ms. Sylona Mohapatra, AOR**

**Mr. Shadan Farasat, Sr. Adv.
Mr. T. R. B. Sivakumar, AOR
Ms. Sarah Sunny, Adv.
Mr. Deva Vrat Anand, Adv.**

Ms. Sumita Hazarika, AOR

Ms. Dharitry Phookan, AOR

**Mr. Nizam Pasha, Adv.
Ms. Rashmi Singh, Adv.
Mr. Lanutula Karanur, Adv.**

W.P.(C) No(s). 943/2021 and connected cases

Mr. Lzafeer Ahmad B. F., AOR
Mr. Sidharth Kaushik, Adv.
Ms. Awstika Das, Adv.

Mr. Vishnu Shankar Jain, AOR

Mr. Amit Pai, AOR
Mr. N. Ashwani Kumar, Adv.
Ms. Pankhuri Bhardwaj, Adv.

Ms. Preeti Singh, AOR

Mr. Ashwini Kumar Upadhyay, Adv.
Mr. Ashwani Kumar Dubey, AOR
Mr. Nikhil Upadhyay, Adv.

Mr. V. Elanchezhian, AOR

Mr. Vishnu Kant, AOR

Petitioner-in-person

Mr. Ejaz Maqbool, AOR
Mr. Burhan V. Bukhari, Adv.
Mr. Zain Maqbool, Adv.
Mr. Meeran Maqbool, Adv.
Mr. Saif Zia, Adv.

Mr. C. George Thomas, Adv.
Mr. Mrigank Prabhakar, AOR
Ms. Sakshi Banga, Adv.
Ms. Astha Singh, Adv.

Mr. Abdur Razzaque Bhuyan, Sr. Adv.
Mr. Adeel Ahmed, AOR
Mr. Rahamathulla Kothwal, Adv.
Ms. Siddika Aisha, Adv.
Mr. Raja Chatterjee, Adv.
Mr. Asadullah, Adv.
Mr. Piyush Sachdev, Adv.
Ms. Taqdees Fatima, Adv.
Mr. Jahngir Iqbal, Adv.
Mr. Mohd Ghouse Muddin Khan, Adv.
Mr. Aamir Husain, Adv.
Mr. Ratnadeep Shrawasti, Adv.
Mr. Azizul Hoque, Adv.
Mr. Nekibur Zaman Choudhury, Adv.
Mr. Nasim Akram Mazarbhuiya, Adv.
Ms. Sehanaz Laskar, Adv.

Mr. Barun Kumar Sinha, Adv.
Mrs. Pratibha Sinha, Adv.
Mr. Sneha Vardhan, Adv.
Mr. Rakesh Mudgal, Adv.
Mr. Pankaj Kumar Shukla, Adv.
Mr. Chhail Bihari Singh, Adv.
Mr. Ritu Raj, Adv.
Mrs. Kanika, Adv.
Mr. Anantha Narayana M.g., AOR
Mr. Ganesh Kamath, Adv.
Mr. Vaibhav Singh, Adv.

Mr. Farrukh Rasheed, AOR

For Respondent(s) : Mr. Tushar Mehta, Solicitor General
Mr. K.M.Nataraj, A.S.G.
Mr. Rajat Nair, Adv.
Mr. Sanjay Kumar Tyagi, Adv.
Mr. Varun Chugh, Adv.
Ms. Kanu Agrawal, Adv.
Mr. Mayank Panday, Adv.
Mr. Siddharth Dharamadhikari, Adv.
Ms. Saumya Tandon, Adv.
Mr. Amit Sharma-b, Adv.
Mr. Arvind Kumar Sharma, AOR
Mr. Aman Mehta, Adv.

Mr. Tushar Mehta, Solicitor General
Mr. K M Natraj, A.S.G.
Mr. Kanu Agarwal, Adv.
Mr. Rajat Nair, Adv.
Mr. Mayank Pandey, Adv.
Mr. Sanjay Kr.tyagi, Adv.
Mr. Varun Chugh, Adv.
Mr. Siddharth Dharmadhikari, Adv.
Ms. Saumya Tandan, Adv.
Mr. Amit Sharma (b), Adv.
Mr. Amrisha Kumar, AOR

Mr. Tushar Mehta, Solicitor General
Mr. S.v. Raju, A.S.G.
Mr. Siddharth Dharmadhikari, Adv.
Mr. Aaditya Aniruddha Pande, AOR
Mr. Shrirang B. Varma, Adv.
Mr. Bharat Bagla, Adv.
Mr. Sourav Singh, Adv.
Mr. Aditya Krishna, Adv.
Ms. Chitransha Singh Sikarwar, Adv.

Mr. Sunil Dalal, Sr. Adv.

Mr. Shoumendu Mukherji, AOR
Mr. Soumava Karmakar, Adv.
Ms. Manisha Saroha, Adv.
Mr. Nikhil Beniwal, Adv.
Ms. Megha Sharma, Adv.
Mr. Satya Ranjan Swain, Adv.
Mr. Sahaj Garg, Adv.
Mr. Chetanya Puri, Adv.
Mr. Aniruddha Ghosh, Adv.
Ms. Surabhi Tuli, Adv.

Mr. Dama Seshadri Naidu, Sr. Adv.
Mr. Prateek Kumar, AOR
Mr. Devansh Rai, Adv.
Mr. Abhinav Thakur, Adv.
Mr. Deepak Sharma, Adv.
Ms. Ananya Mishra, Adv.

Mr. Sanjay Hegde, Sr. Adv.
Mr. Mrigank Prabhakar, AOR
Mr. Anas Tanwir, Adv.
Mr. Ebad Ur Rahman, Adv.
Ms. Zainab Shaikh, Adv.
Ms. Sakshi Banga, Adv.
Ms. Astha Singh, Adv.

Mr. P V Surendranath, Sr. Adv.
Mr. Biju P Raman, AOR
Mr. John Thomas Arakal, Adv.
Ms. Nandana Harikrishnan, Adv.
Mr. Sawan Kumar Shukla, Adv.
Ms. Dimple Nagpal, Adv.
Ms. Lekha Sudhakar, Adv.

Mr. Sanjay Parikh, Sr. Adv.
Ms. Srishti Agnihotri, AOR
Ms. Tara Elizabeth Kurien, Adv.
Mr. D.p.singh, Adv.
Ms. Anchal Kanthed, Adv.

Mr. Sudarshan Lamba, AOR

Mr. Raj Bahadur Yadav, AOR

Mr. Aaditya Aniruddha Pande, AOR

Mr. Mukesh Kumar Maroria, AOR

Mr. Shreekant Neelappa Terdal, AOR

Dr. N. Visakamurthy, AOR

**Mr. Jatinder Kumar Sethi, D.A.G.
Dr. Abhishek Atrey, AOR
Ms. Ishita Bist, Adv.
Ms. Ambika Atrey, Adv.
Mr. Navneet Gupta, Adv.**

**Ms. Devina Sehgal, AOR
Mr. Yatharth Kansal, Adv.
Mr. Srikanth Varma Mudunuru, Adv.**

**Mr. Sanchit Garga, AOR
Mr. Kunal Rana, Adv.
Mr. Shashwat Jaiswal, Adv.
Mr. Bhanu Pratap Singh, Adv.
Mr. Sankalp Mishra, Adv.
Ms. Diksha Arora, Adv.
Mr. Anshuman Ashok, AOR
Mr. Anand Shankar, AOR**

**Ms. Nisha Bhambhani, Adv.
Mr. Rajat Arora, AOR
Ms. Mariya Shahab, Adv.**

**Mr. Vishnu Shankar Jain, AOR
Mr. Prashant Singh, AOR
Mr. Milind Kumar, AOR**

**Mr. Abhay Anil Anturkar, Adv.
Mr. Dhruv Tank, Adv.
Ms. Surbhi Kapoor, AOR
Mr. Sarthak Mehrotra, Adv.
Ms. Subhi Pastor, Adv.
Mr. Uday Gautam, Adv.
Ms. Aradhya Srivastava, Adv.**

**Ms. Swati Ghildiyal, AOR
Ms. Neha Singh, Adv.**

Mr. Nishant Kumar , AOR

Mr. Pashupathi Nath Razdan, AOR

Mr. V. N. Raghupathy, AOR

**Mr. Pukhrambam Ramesh Kumar, AOR
Mr. Karun Shamra, Adv.
Ms. Anupama Ngangom, Adv.
Ms. Rajkumari Divyasana, Adv.**

Mr. Anando Mukherjee, AOR
Mr. Shwetank Singh, Adv.
Ms. Riya Dhingra, Adv.
Mr. Utkarsh Anand, Adv.

Mr. Siddhesh Shirish Kotwal, AOR

Mr. Gaurav Khanna, AOR

Mr. Kunal Mimani, AOR
Mr. Prashant Alai, Adv.
Mr. Abhinav Rana, Adv.

Mr. Sarad Kumar Singhania, AOR

Mr. Vishnu Shankar Jain, AOR

Mr. Anas Tanwir, AOR

Mr. Shreekant Neelappa Terdal, AOR

Mr. Ashwani Bhardwaj, AOR

Mr. Kaleeswaram Raj, Adv.
Mr. Mohammed Sadique T.a., AOR
Ms. Thulasi K Raj, Adv.
Ms. Chinnu Mariya Antony, Adv.
Ms. Athira Nandakumar, Adv.

Mr. Surender Kumar Gupta, AOR
Mr. Mukesh Goel, Adv.
Mr. Saurav Mishra, Adv.
Ms. Mokshita Sharma, Adv.

Ms. Shahrukh Alam, Adv.
Mr. Shantanu Singh, Adv.
Ms. Sonali Jain, Adv.
Ms. Alankrita Sinha, Adv.
Mr. Navneet R., AOR

Mr. Karan Sharma, AOR

Mr. Vishal Prasad, AOR

Ms. Astha Sharma, AOR

Mr. Sumit Teterrwal, AOR

Mr. Talha Abdul Rahman, AOR
Mr. Sudhanshu Tewari, Adv.
Mr. Faizan Ahmed, Adv.
Mr. Shuktiz Sinha, Adv.

Mr. Jatinder Kumar Sethi, D.A.G.
Dr. Abhishek Atrey, AOR
Ms. Ishita Bist, Adv.
Ms. Ambika Atrey, Adv.
Mr. Navneet Gupta, Adv.

Mr. T. R. B. Sivakumar, AOR

Mr. Abhishek Yadav, AOR

Mr. Mukesh Kumar Maroria, AOR

Mr. Piyush Beriwal, AOR

Mr. Manjeet Singh Gill, Adv.
Mr. Deepak Chopra, Adv.
Mr. Hitesh Kumar Sharma, Adv.
Mr. Amit Kumar Chawla, Adv.
Mr. Akhileshwar Jha, Adv.
Mr. Anupam Kumar, Adv.
Ms. Shreya Jha, Adv.
Ms. Swati Singh Gill, Adv.
Ms. Manju Jetley, AOR

Mr. Anand Shankar, AOR

Mr. Nishant Kumar, AOR

Mr. Harsh Kaushik, AOR

Mr. Dhawal Uniyal, AOR

Mr. Vishnu Shankar Jain, AOR

Mr. Shovan Mishra, AOR

Mr. Kaleeswaram Raj, Adv.
Mr. Nishe Rajen Shonker, AOR
Mrs. Anu K Joy, Adv.
Mrs. Thulasi K Raj, Adv.
Mr. Alim Anvar, Adv.
Ms. Chinnu Mariya Antony, Adv.
Mr. Santhosh K, Adv.

Mrs. Devika A.l., Adv.
Ms. Athira Nandakumar, Adv.

Mr. Sameer Abhyankar, AOR
Mr. Rahul Kumar, Adv.
Mr. Aakash Thakur, Adv.

Ms. Ruchira Goel, AOR

Mr. Awanish Sinha, AOR

Mr. Mehmood Umar Faruqui, AOR

Mr. Pratik R. Bombarde, AOR
Mr. Reepak Kansal, Adv.
Mr. Devendra Singh, Adv.
Mr. Abhishek Kumar, Adv.
Mr. Subhash Kumar, Adv.

Ms. Swati Ghildiyal, AOR
Ms. Neha Singh, Adv.

Mr. Gurmeet Singh Makker, AOR

Mr. Chitranshul A. Sinha, AOR

Ms. Ranjeeta Rohatgi, AOR
Mrs. Shrika Gautam, Adv.

Mr. Kaleeswaram Raj, Adv.
Mr. Nishe Rajen Shonker, AOR
Mrs. Anu K Joy, Adv.
Mrs. Thulasi K Raj, Adv.
Mr. Alim Anvar, Adv.
Ms. Chinnu Mariya Antony, Adv.
Mr. Santhosh K, Adv.
Mrs. Devika A.l., Adv.
Ms. Athira Nandakumar, Adv.

Mr. Harmeet Singh Ruprah, AOR
Mr. Bittu Kumar Singh, Adv.
Mr. Kanishk Sharma, Adv.
Mr. Karan Singh, Adv.

Mr. Ashutosh Dubey, AOR
Mr. Ravi Sharma, AOR
Ms. K. Enatoli Sema, AOR

Mr. Avijit Mani Tripathi, AOR

Mr. T.k. Nayak, Adv.
Ms. Marbiang Khongwir, Adv.

Mr. Devendra Singh, AOR

Mr. Suvidutt M.s., AOR
Ms. Deepika Singh, Adv.
Ms. Disha Puri, Adv.

Mr. Upendra Pratap Singh, AOR

Mr. Barun Kumar Sinha, Adv.
Mrs. Pratibha Sinha, Adv.
Mr. Abhishek, AOR
Mr. Sneh Vardhan, Adv.
Mr. Pankaj Kumar Shukla, Adv.
Mr. Chhail Bihari Singh, Adv.
Mr. Rakesh Mudgal, Adv.
Mr. Ritu Raj, Adv.
Mrs. Kanika, Adv.
Mr. Vaibhav Singh, Adv.

Mr. Bishwajit Dubey, A.A.G.
Mr. Vinayak Sharma, Standing Counsel, Adv.
Mr. Ravinder Kumar Yadav, AOR
Mr. Yashvardhan Shah, Adv.
Ms. Kritika Yadav, Adv.

Ms. Disha Singh, AOR

Hon'ble Mr. Justice Vikram Nath pronounced the judgment of the Bench comprising His Lordship and Hon'ble Mr. Justice Sandeep Mehta.

Leave granted in SLP (Civil) No. 6913 of 2021 and SLP (Criminal) No. 5107 of 2023.

Paragraph Nos. 165 to 169 of the judgment, containing final directions, are extracted hereunder:

"165. In view of the foregoing discussion, all the Writ Petitions and the Civil Appeal arising out of SLP (Civil) No. 6913 of 2021 stand dismissed.

166. The Criminal Appeal arising out of SLP

(Criminal) No. 5107 of 2023 is partly allowed in terms of our discussion in Part II of this judgment. The impugned judgment dated 13th June, 2022, passed by the High Court of Delhi at New Delhi in W.P. (Crl.) No. 1624 of 2020 is set aside to the limited extent that it holds that a Magistrate, while exercising powers under Section 156(3) of CrPC, cannot direct registration of an FIR in the absence of prior sanction.

167. Insofar as Contempt Petition (Civil) No. 776 of 2023, Diary No. 11853 of 2023, Diary No. 5793 of 2024, and Diary No. 3470 of 2024 are concerned, in view of the findings recorded in *Part III* of this judgment, we are satisfied that either compliance has been effected or no case of contempt is made out. Accordingly, the said contempt petitions stand closed.
168. In Contempt Petition (Civil) No. 1153 of 2023, Diary No. 41754 of 2023, Contempt Petition (Civil) No. 1235 of 2023, and Diary No. 1579 of 2025, for the reasons recorded in *Part III*, the respective respondent-authorities are granted two weeks' time to file their response. Let these matters be listed separately for consideration on 19th May, 2026.
169. The Registry of this Court is directed to transmit a copy of this judgment to all the High Courts. The High Courts may, in their administrative side, consider examining the feasibility of issuing appropriate practice directions or guidelines, as may be deemed necessary, to give full and effective implementation to the law declared in the present judgment."

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

(NEETU KHAJURIA)
ASSISTANT REGISTRAR-CUM-PS

(RANJANA SHAILEY)
ASSISTANT REGISTRAR

