

ITEM NO.26 Court 3 (Video Conferencing) SECTION II-B

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 (Crl.) No(s).5421/2020

(Arising out of impugned final judgment and order dated 27-10-2020 in CRMM No. 26794/2020 passed by the High Court of Punjab & Haryana at Chandigarh)

NISTHA BHARDWAJ

Petitioner(s)

VERSUS

THE STATE OF PUNJAB & ORS.

Respondent(s)

(WITH I.R. and IA No.113248/2020-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.113249/2020-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 05-11-2020 This petition was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MS. JUSTICE INDU MALHOTRA
HON'BLE MS. JUSTICE INDIRA BANERJEE

For Petitioner(s) Mr. Mukul Rohatgi, Sr. Adv.
 Mr. Sudarshan Rajan, AOR
 Mr. Hitain Bajan, Adv.
 Mr. Rohit Bhardwaj, Adv.
 Mr. Mahesh Kumar, Adv.
 Mrs. Misha Rohatgi, Adv.
 Dr. K.B.S. Rajan, Adv.
 Mrs. Pushpa Rajan, Adv.

For Respondent(s)

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

1 Mr Mukul Rohatgi, learned Senior Counsel appearing on behalf of the petitioner, submits that the direction issued by the High Court in the present case to the police to register an FIR and to conduct an investigation is contrary to the principles which have been laid down by this Court in **Sakiri Vasu v State of**

Uttar Pradesh¹ and M Subramanian v S Janaki². It has been submitted that Section 156(3) of the Code of Criminal Procedure 1973 provides a remedy and, hence, recourse could not lawfully have been taken to the High Court.

2 Issue notice returnable on 2 December 2020.

3 Liberty to serve the Standing Counsel for the State of Punjab, in addition.

4 Dasti, in addition, is permitted on the fourth to eighth respondents.

5 There shall be an ad-interim stay of the operation of the impugned judgment and order of the High Court of Punjab and Haryana dated 27 October 2020 in CRM-M No 26794 of 2020 till 2 December 2020.

(SANJAY KUMAR-I)
AR-CUM-PS

(SAROJ KUMARI GAUR)
COURT MASTER