

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.728/2017

(@Petition(s) for Special Leave to Appeal (Crl.) No(s).10402/2014)

M DEEPA

Appellant(s)

VERSUS

STATE OF TAMIL NADU REP. BY SUPERINTENDENT OF  
POLICE VELLORE DIST. VELLORE AND ANR

Respondent(s)

O R D E R

Leave granted.

We have heard the learned counsel appearing for the appellant and the learned counsel appearing for Respondent Nos.1 and 2 at length today.

We have gone through the facts of the matter in question.

It appears that the High Court vide its Order dated 15-5-2014 directed the concerned Station House Officers to deal with the complaints received, in accordance with the directions of this Court's Judgment in "Lalita Kumari Vs. Government of Uttar Pradesh and Others" (2014) 2 SCC 1.

It was further stated in the order that in the event of the First Information Report being registered, the same shall be investigated and final report be filed as expeditiously as possible and in the event of the failure on the part of the concerned Station House Officers to exercise statutory duty cast on them, in the light of the directions issued in Lalita Kumari (supra), it is always open to the petitioner to invoke Sections 154 (3) or 156 (3) of the Code of Criminal Procedure or work out their further remedy in accordance with law.

The appellant is aggrieved by the impugned order of the High Court dated 24-7-2014 whereby the said Court has recalled its own Order dated 15-5-2014, as aforesaid, and dismissed the Criminal Original Petition filed by the appellant - herein.

After having heard the learned counsel appearing for the parties and carefully perusing the material available on record, we are of the view that the High Court erred in holding that there was

suppression of fact on the part of the appellant about Criminal O.P. No.21386 of 2013 and its order, whereas the appellant had specifically stated in Para 9 of the petition filed before the High Court in Criminal O.P. No.12491 of 2014 about the petition being Criminal O.P. No.21386 of 2013 and its order dated 13-9-2013.

The High Court ought to have considered the nature of offence committed by the appellant's husband while recalling the said order, even though by its own order dated 15-5-2014, it directed the respondents to register case against the appellant's husband.

In view of the above, the order of the High Court is not sustainable in the eyes of law and deserves to be set aside.

Accordingly, we set aside the impugned order of the High Court and direct the concerned Investigating Officer to make a fresh investigation on the appellant's complaint and take all necessary steps in the matter in accordance with law before the appropriate Court.

The Criminal Appeal is disposed of in the afore-stated terms.

.....J  
(PINAKE CHANDRA GHOSE)

.....J  
(ROHINTON FALI NARIMAN)

NEW DELHI;  
13TH APRIL,, 2017.

ITEM NO.38

COURT NO.6

SECTION IIC

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). 10402/2014

(Arising out of impugned final judgment and order dated 24/07/2014  
in OP No. 12491/2014 passed by the High Court of Madras)

M DEEPA

Petitioner(s)

VERSUS

STATE OF TAMIL NADU REP. BY SUPERINTENDENT OF  
POLICE VELLORE DIST. VELLORE AND ANR

Respondent(s)

(With interim relief and office report)

Date: 13/04/2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE PINAKI CHANDRA GHOSE  
HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN

For Petitioner(s)

Ms. M. Venmani, Adv.  
Mr. Vijendra Kasana, Adv.  
Mr. S. Gowthaman, AOR

For Respondent(s)

Mr. M. Yogesh Kanna, AOR  
Ms. Nithya, Adv.  
Mrs. Maha Lakshmi, Adv.  
Mr. Partha Sarathi, Adv.

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

Leave granted.

The Criminal Appeal is disposed of in terms of the signed  
order.

(VISHAL ANAND)  
COURT MASTER

(SNEH LATA SHARMA)  
COURT MASTER

(Signed Order is placed on the file)

