

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO(S). 874/2020  
(Arising out of SLP(Cr1.) No. 981/2020)

THE NEW HARYANA OFFICERS COOPERATIVE  
GROUP HOUSING SOCIETY LIMITED

APPELLANT(s)

VERSUS

ANAND PARKASH (DEAD) THROUGH LRS & ORS.

RESPONDENT(s)

O R D E R

Leave granted.

This appeal takes exception of the judgment and order dated 07.01.2020 passed by the High Court of Punjab and Haryana at Chandigarh in CRM-M No. 43594 of 2014, whereby the High Court while entertaining the petition under Section 482 of the Code of Criminal Procedure, 1973 (hereinafter referred to as "the Code") issued interim directions which are in a way mandatory directions before deciding the main petition itself.

The grievance of the appellant before this Court touches upon the jurisdiction of the Single Bench to entertain the petition under Section 482 of the Code despite the nature of reliefs claimed in the petition.

The reliefs claimed in the petition read thus:

"It is therefore most respectfully prayed that the present petition may kindly be allowed and a direction be issued for a high level probe/investigation from an Independent Agency/CBI and/or Special Investigation Team (SIT) comprising of officers not below the rank of Inspector General of Police under the supervision of this Hon'ble Court against the guilty officials/officers of HUDA and Cooperation department as well as concerned members/office bearers of "The New Haryana Officer Cooperative Group Housing Society Limited, Panchkula" (Annexure P-5) for illegally securing multiple allotments of flats in favour of persons, who were ineligible and un-entitled thereto, as per the essential requirements and eligibility conditions of the Group Housing Scheme of 2001 floated by HUDA and register F.I.R against guilty persons in the interest of justice and fair play.

Further a direction be issued for taking appropriate action against the officials/officers of HUDA who are responsible for not initiating appropriate steps in this regard despite receiving complaints and general directions having been issued by this Hon'ble Court in CrI.Misc. M-26292 of 2013 titled as 'Dharam Singh Yadav Vs. State of Haryana & others'.

It is further prayed that the petitioner be exempted from filing the certified copy of the Annexures and also exempted from filing the typed copy of Annexure P-1 to P-4 and P-6 in the facts and circumstances of the case and in the interest of justice and fair play."

Learned counsel appearing for the appellant while placing reliance on three decisions of this Court reported in (2004) 4 SCC 129, paragraph No. 33, (2011) 14 SCC 770, paragraph Nos. 51 & 63 and (2013) 12 SCC 320, paragraph No. 21, would contend that such reliefs cannot be pursued by way of petition under Section 482 of the Code, in law. The High Court ought to have adjudicated upon that preliminary objection before proceeding to examine the merits of the controversy. Further, we are in agreement with the grievance of the appellant that while the main petition is still undecided, mandatory directions have been issued by way of an interim order which is impugned in this appeal. Without expressing any final opinion on the grounds and contentions which may be pursued by both sides before the High Court, we set aside the impugned order including the order dated 23.03.2015 and relegate the parties before the High Court with a direction that the High Court shall, in the first place, decide the preliminary objection regarding the maintainability of the petition under Section 482 of the Code in reference to the nature of reliefs as claimed therein. Only after deciding that issue, the High Court may proceed to consider the matter further if so advised.

We are not expressing any opinion either way on the merits of the controversy.

Needless to observe, since we have set aside the impugned order and order dated 23.03.2015, all steps taken pursuant to the stated interim directions/orders passed by the High Court shall not be given effect to and/or acted upon any further.

The appeal stands disposed of accordingly.

....., J.  
(A.M. KHANWILKAR)

....., J.  
(B.R. GAVAI)

....., J.  
(KRISHNA MURARI)

NEW DELHI;  
DECEMBER 17, 2020.

ITEM NO.37                      Court 5 (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 (CrI.) No(s). 981/2020  
(Arising out of impugned final judgment and order dated 07-01-2020  
in CRMM No. 43594/2014 passed by the High Court Of Punjab & Haryana  
At Chandigarh)

THE NEW HARYANA OFFICERS COOPERATIVE  
GROUP HOUSING SOCIETY LIMITED

Petitioner(s)

VERSUS

ANAND PARKASH (DEAD) THROUGH LRS & ORS.

Respondent(s)

IA No. 21088/2020 - EXEMPTION FROM FILING C/C OF THE IMPUGNED  
JUDGMENT & IA No. 21091/2020 - PERMISSION TO FILE LENGTHY LIST OF  
DATES)

Date : 17-12-2020 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.M. KHANWILKAR  
HON'BLE MR. JUSTICE B.R. GAVAI  
HON'BLE MR. JUSTICE KRISHNA MURARI

For Petitioner(s)    Mr. Kapil Sibal, Sr. Adv.  
                                 Mr. Narender Hooda, Sr. adv.  
                                 Ms. Nida Doon, Adv.  
                                 Ms. Seema, Adv.  
                                 Ms. Nandita Hooda, Adv.  
                                 Dr. Surender Singh Hooda, AOR

For Respondent(s)    Mr. Rakesh Kumar-I, AOR  
                                 Mr. Narender Singh, Adv.  
  
                                 Dr. Monika Gusain, AOR

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

Leave granted.

The appeal is disposed of in terms of the  
signed order.

In view of the above, pending applications,  
if any, shall stand disposed of.

(NEETU KHAJURIA)  
COURT MASTER

(VIDYA NEGI)  
COURT MASTER

(Signed order is placed on the file.)