

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION  
CRIMINAL APPEAL NO.1671 OF 2017  
(@ SLP (Criminal) No.6750 of 2015)

MANJU CHAUHAN

APPELLANT(S)

VERSUS

STATE OF UTTARAKHAND & ANR.

RESPONDENT(S)

O R D E R

Despite service of notice, there is no appearance on behalf of respondent No.2. Mr.Ashutosh Kumar Sharma, learned counsel has entered appearance for respondent No.1-State.

Delay condoned.

Leave granted.

It is submitted by learned counsel for the appellant that the High Court could not have directed that the accused shall not be arrested during the pendency of further investigation in a proceeding of this nature that was filed before the High Court. The High Court was approached under Section 482 CrPC for quashment of F.I.R. registered under Section 376 I.P.C and the learned counsel for the State submitted that further investigation was in progress under Section 173(8) CrPC. The High Court passed

the order that the accused shall not be arrested until further investigation is concluded and the court below shall not proceed on the basis of earlier chargesheet filed against the accused. In our considered opinion both the directions were absolutely untenable and not in consonance with the Code of Criminal Procedure and accordingly we set aside the impugned order. The prosecution is directed to proceed in accordance with the law. It is interesting to see that such an order was passed when the appellant prayed in the court to withdraw the petition with liberty to file a fresh petition.

The appeal is allowed in the above terms.

.....CJI.  
(DIPAK MISRA)

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

.....J.  
(DR.D.Y.CHANDRACHUD)

NEW DELHI,  
SEPTEMBER 15, 2017.

ITEM NO.50

COURT NO.1

SECTION II

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). 6750/2015  
(Arising out of impugned final judgment and order dated 02-07-2013  
in CRLMA No.1097/2012 passed by the High Court of Uttarakhand at  
Nainital)

MANJU CHAUHAN

Petitioner(s)

VERSUS

STATE OF UTTARAKHAND &amp; ANR.

Respondent(s)

(FOR CONDONATION OF DELAY IN FILING ON IA 8118/2015  
FOR CONDONATION OF DELAY IN REFILING ON IA 8121/2015  
FOR EXEMPTION FROM FILING O.T. ON IA 13749/2015)

Date : 15-09-2017 This matter was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE A.M. KHANWILKAR  
HON'BLE DR. JUSTICE D.Y. CHANDRACHUD

For Petitioner(s)

Mrs. Nanita Sharma, AOR

For Respondent(s)

Mr.Ashutosh Kumar Sharma, Adv.  
Mr.Jatinder Kumar Bhatia, AOR

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

Delay condoned.

Leave granted.

The appeal is allowed in terms of the signed order.

(Ashok Raj Singh)  
Court Master

(Shakti Parkash Sharma)  
Asstt. Registrar

(Signed Order is placed in the file)