

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

RECORD OF PROCEEDINGS

CRIMINAL APPEAL NO. 1493 OF 2003

CENTRAL BUREAU OF INVESTIGATION

Appellant (s)

VERSUS

LAXMI DHAUL

Respondent(s)

(With appln(s) for stay and office report)

Date: 01/02/2006 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. AGRAWAL

HON'BLE MR. JUSTICE A.K. MATHUR

For Appellant(s)

Mr. K. Radhakrishnan, Sr. Adv.

Mr. Tufail A. Khan, Adv.

Mr. V.K. Verma, Adv.

Mr. P. Parmeswaran, Adv.

For Respondent(s)

Mr. U.U. Lalit, Sr. Adv.

Mr. Ramesh Singh, Adv.

Mr. Sanjay Sen, Adv.

Ms. Inklea Barooah, Adv.

Ms. Bina Gupta, Adv.

UPON hearing counsel the Court made the following

O R D E R

The appeal is allowed.

[ Alka Dudeja ]

Court Master

[ Radha R. Bhatia ]

Court Master

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 1493 OF 2003

Central Bureau of Investigation

...Appellant(s)

Versus

Laxmi Dhaul

...Respondent(s)

O R D E R

By the impugned order, the High Court has quashed the

Police Investigation, which was going on against the respondent-

Laxmi Dhaul, under Section 120B and 420 of the Indian Penal

Code, besides Sections 13(2) and 13(1)(d) of the Prevention of

Corruption Act, 1988. Against the impugned order, the present

appeal by special leave has been filed.

During the pendency of this appeal, investigation proceeded against other accused persons, charge sheet was submitted and the Court concerned had taken cognizance and summoned those accused persons who filed petition under Section 482 of the Code of Criminal Procedure [for short, 'Cr.P.C.'] before the High Court for quashing their proceeding, which, we are told, is still pending. So far the respondent-Laxmi Dhaul is concerned, as by the impugned order police investigation in relation to her was quashed, the Central Bureau of Investigation did not proceed further to investigate the case.

....2/-

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Having heard the parties and perused the records, we are of the view that the High Court was not justified at this stage to examine the matter and quash the police investigation, which was pending against the respondent-Laxmi Dhaul.

Accordingly, the appeal is allowed and the impugned order is set aside. Now the Central Bureau of Investigation shall proceed to investigate the case in relation to the respondent-Laxmi Dhaul and upon completion thereof submit final form, on receipt whereof the Court concerned apply its mind and pass appropriate order thereupon. It is needless to say that in case

the Court concerned decides to summon the respondent-Laxmi  
Dhaul, in that event it would be open to her to move the High  
Court for quashing the proceeding under Section 482 Cr.P.C., in  
which event, the High Court shall consider the matter afresh  
without being prejudiced by this order.

.....J.

[B.N. AGRAWAL]

.....J.

[A.K. MATHUR]

New Delhi,

FEBRUARY 01, 2006.