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ITEM NO.MM-4A & 4B

COURT NO.4

SECTION II

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

Petition(s) for Special Leave to Appeal (Crl) No(s).1716/2013

(From the judgement and order dated 30/01/2013 in CRLMA No.1126/2013 in BA No.1161/2012 of The HIGH COURT OF DELHI AT N. DELHI)

MANJU GARG & ANR.

Petitioner(s)

VERSUS

G.N.C.T. OF DELHI

Respondent(s)

(With appln(s) for permission to bring additional facts, documents on record, stay of arres and exemption from filing c/c of the impugned Judgment)

WITH

SLP(CRL)...CRLMP NO. 4882-4883 of 2013
(With application for permission to file SLP)

Date: 06/03/2013 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE AFTAB ALAM
HON'BLE MR. JUSTICE K.S. RADHAKRISHNAN
HON'BLE MR. JUSTICE RANJAN GOGOI

For Petitioner(s) Mr. Satish Aggarwal, Adv.
SLP(Crl)1716/2013

Crl.M.P.Nos. Dr. Sumant Bhardwaj, Adv.
4882-83/2013 Mr. Sushil K. Gupta, Adv.
Mr. K.K. Shukla, Adv.
Ms. Mridula Ray Bharadwaj, Adv

For Respondent(s)/ Mr. Jaideep Gupta, Sr. Adv.
Caveator(s) Dr. Sumant Bharadwaj, Adv.
SLP(Crl.)1716/2013 Dr. Sushil K. Gupta, Adv.
Ms. Ankita Chaudhary, Adv.
Ms. Mridula Ray Bharadwaj, Adv

Crl.M.P.No. Mr. M.N. Krishnamani, Sr. Adv.
4882-83/2013 Mr. Arun K. Beriwal, Adv.
Ms. Ankita Amarpali, Adv.
Ms. Pratiksha Chaturvedi, Adv.

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

SLP(Crl) No.1716 of 2013
Taken on Board.

On an oral prayer, the complainant is directed to be
impleaded as respondent no.2.

This matter relates to the prayer for anticipatory bail on
behalf of the petitioners in a case under Sections 498A and 406
read with Section 34 of the Penal Code instituted at the instance
of their estranged daughter-in-law (Surbhi- respondent no.2) in
this special leave petition.

We have three orders of the High Court before us. The

first order is dated August 7, 2012. By this order the Court accepted the petitioners' offer to deposit Rs.10,00,000/- in the form of a fixed deposit in the name of the complainant and referred the matter to the Mediation and Conciliation Centre of the Delhi High Court directing the case to be listed again on October 30, 2012. In the meanwhile, the petitioners in case of arrest were directed to "be released on anticipatory bail" (apparently during the pendency of the matter before the High Court). At the conclusion of the order, however, it was recorded "Application is disposed of in the above terms."

The second order is dated January 9, 2013. From this order, it appears that the efforts at mediation between the parties failed and the matter was listed before the Court with the failure report from the Mediation Centre. The Court took the view that the application for anticipatory bail was disposed of by the earlier order dated August 7, 2012. Having held that the petitioners' Anticipatory Bail Petition was disposed of by the earlier order, this Court also dismissed the applications being CrI.M.A. Nos. 257/2013 and 258/2013 filed on behalf of the complainant for impleadment and cancellation of bail granted to the applicants in pursuance of the previous order.

In that position, the petitioners made an application for clarification before the High Court which was finally dismissed by Order dated January 30, 2013 holding that the protection granted to them was only interim and till the next date, i.e., 30.10.2012.

From the aforesaid three orders, it appears that the case of the petitioners was never considered by the High Court on merits. We, accordingly, feel that the matter should be remitted to the High Court where it may receive due consideration by the Court. Needless to say that this would naturally revive the two applications filed by the complainant.

We, accordingly, direct that the Anticipatory Bail Petition filed by the petitioners may be restored before the High Court along with the two criminal miscellaneous applications (CrI.M.A. Nos. 257/2013 and 258/2013) to be disposed of after hearing the parties, in accordance with law.

It is expected the High Court shall pass appropriate order after hearing the parties within two weeks from the date of receipt/production of a copy of this order.

The privilege of bail granted to the petitioners shall remain extended till the matter is finally disposed of by the High Court.

CRLMP NOS. 4882-4883 of 2013

In view of the order passed in SLP(CrI.) No.1716 of 2013, no order need be passed in this case.

|(Neetu Khajuria)

|(Sneh Bala Mehra)

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|Sr.P.A.

|Court Master

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