

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

WRIT PETITION (CRL.) NO(s). 43 OF 2004

ANJU JAIN

Petitioner(s)

VERSUS

STATE OF U.P. & ORS.

Respondent(s)

(With appln(s) for amendment of facts/grounds of writ petition,directions and office report)(For final disposal)

Date: 08/11/2005 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.G. BALAKRISHNAN
HON'BLE MR. JUSTICE ARUN KUMAR
HON'BLE MR. JUSTICE G.P. MATHUR

For Petitioner(s)

Mr. Rakesh Dwivedi, Sri Adv. (A.C.)
Petitioner-In-Person.

Mr. Jay Sarla, Adv.
Ms. Reena Bagga, Adv.

For Respondent(s)

Mrs. Shobha Dixit, Sr. Adv.
Mr. Prashant Chaudhary, Adv.
Mr. Praveen Swarup, Adv.

Mr. B.S. Mor, Adv.
Mr. Gian Singh, Adv.
Mr. Mahinder Singh Dahiya ,Adv

Mr. Syed Sail Mahmood, Adv.

Mr. Sumanta De, Adv.
Ms. Sangeeta Das, Adv.
Mr. Dharmendra Kumar Sinha ,Adv

UPON hearing counsel the Court made the following

O R D E R

This writ petition is filed by the mother of a boy named Sachin Jain.

The allegation in the writ petition is that

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Sachin Jain was kidnapped on 24.1.2004 in a Maruti car at the instance of some

criminals and in the writ petition the petitioner has sought for a direction in the nature

of Habeas Corpus to produce the body of the petitioner's son Sachin Jain. We are

told that the police has already registered a case against five accused and charge

sheet has also been submitted and the court has taken cognizance of certain

offences. So the prayer for a writ of Habeas Corpus does not survive.

This Court appointed Mr. Rakesh Dwivedi, Senior counsel to assist the court

as it was suspected that some of the police inspectors/SHOs had filed some false

cases against Sachin Jain as he had filed a complaint before the National Human

Rights Commission on 6.1.2003. It is also brought to our notice that the cases filed

against Sachin Jain were false cases and on inquiry it was found that no case had

been made out and the Superintendent of Police was of the view that these cases

were not based on any complaint but the police had suo motu registered the cases.

We issued notices to the police Inspector/SHO Rakesh Pratap Singh, Har Prasad

Singh and Vijay Kumar, who had been working as Inspectors/SHOs at Nai Mandi,

Kotwali, Muzaffar Nagar during the relevant period. These Inspectors/SHOs are

represented through counsel, and we heard counsel who denied the allegations

made against these respondents.

It is to be ascertained that while registering a case against Sachin Jain the

Inspectors/SHOs had committed any lapses illegalities or irregularities and whether

he had been victimized and this incident led to ultimate crime allegedly

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committed by the accused who had been charge sheeted. Hence, we order for an inquiry into the whole incident. The inquiry, we hope, would throw some light whether these Inspectors/SHOs had any nexus with the alleged criminals and this situation thereby led to the commission of the serious crimes.

The Inspector General of Police, Meerut Zone shall conduct a detailed inquiry and find out the truth. The relevant records in the case shall be made available to the Inspector General of Police and he may also collect other relevant records and shall conduct an inquiry. The Inspectors/SHOs shall be given reasonable opportunity of being heard in the matter and after that inquiry the Inspector General of Police shall file a report addressed to the Registrar General of this Court within a period of three months. Registry to take further action in the matter.

Post the case after three months.

(R.K. DHAWAN)
COURT MASTER

(VEERA VERMA)
COURT MASTER

