

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

I N D I A

Writ Petition(s)(Criminal) No(s). 40/2012

SAHISHTA & ANR

Petitioner(s)

VERSUS

STATE OF U.P.& ORS.

Respondent(s)

(with appln. (s) for directions)
(For final disposal)

Date : 08/12/2014 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J. CHELAMESWAR
HON'BLE MR. JUSTICE S.A. BOBDE

For Petitioner(s)

Mr. Dinesh Garg, Adv.
Mr. Abhishek Garg, Adv.
Mr. Dhananjay Garg, Adv.
Mr. Deepak Mishra, Adv.
Mr. Vivek Gupta, Adv.

For Respondent(s)

Mr. Ratnakar Dash, Sr. Adv.
Mr. Abhishth Kumar, Adv.
Ms. Charu Ambani, Adv.

Mr. Jatinder Kumar Bhatia, Adv.

Mr. Wajahat Ansari, Adv.
Ms. Sumita Hazarika, Adv.UPON hearing the counsel the Court made the following
O R D E RThe writ petition is disposed of in terms of
the signed order.(DEEPAK MANSUKHANI)
COURT MASTER

(INDU BALA KAPUR)

Signature Not Verified
Digitally signed by
Deepak Mansukhani

COURT MASTER

(Signed order is placed on the file)

Date: 2014.12.09

17:23:02 IST

Reason:

IN THE SUPREME COURT OF INDIA
CRIMINAL ORIGINAL JURISDICTION

WRIT PETITION(CRL.) NO(s). 40 OF 2012

SAHISHTA & ANR

Petitioner(s)

VERSUS

STATE OF U.P.& ORS.

Respondent(s)

O R D E R

In this writ petition for seeking quashing of the

prosecution, we are informed that the petitioner and her husband are present in the Court. The petitioner no. 1 stated before the Court, upon being asked, that she married the second petitioner on her own free will and is cohabiting peacefully with him as a wife. She further stated that they have a child which is two years old.

We have also heard learned senior counsel for the State of UP and State of Uttarakhand.

In the circumstances of the case, we do not consider it appropriate to permit the prosecution to go on, the same being uncalled for.

In the circumstances, we quash the proceedings in (i) Crime case No. 202 of 2011 under Section 363, 366 & 376 IPC, Police Station Bhopa, Muzaffarnagar, U.P. pending in the Court of learned Judicial Magistrate, Muzaffarnagar, U.P. and (ii) Crime Case No. 211/2011

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under Section 372 and 506 IPC pending before the learned Judicial Magistrate, Haridwar, Uttarakhand initiated by step father of the petitioner no. 1 by way of filing application under Section 156(3) Cr.PC.

The writ petition is accordingly disposed of.

.....J.
(J. CHELAMESWAR)

.....J.
(S.A. BOBDE)

NEW DELHI
DECEMBER 08, 2014.