

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. OF 2023  
(arising out of SLP(CrI.)No.3595/2022)

THE STATE OF RAJASTHAN . . . . . APPELLANT(S)

VERSUS

MATHURA DEVI . . . . . RESPONDENT(S)

O R D E R

Leave granted.

Our attention has been drawn to the investigation/inquiry report dated 07.07.2022, which has been filed before the Additional Chief Judicial Magistrate (ACJM), Dudu District, Jaipur, Rajasthan.

In view of the said report, we are not inclined to proceed further in the present appeal. We leave it open to the ACJM to pass appropriate order after hearing the complainant/informant.

In the aforesaid background, the impugned judgment dated 06.01.2022 directing registration of the First Information Report (FIR) under Section 156(3) of the Code of Criminal Procedure, 1973 (the Code) cannot be sustained and acted upon. By an interim order we had stayed the direction to register the FIR, but had permitted the police to proceed with the investigation under Section 202 of the Code.

As observed above it will be open to the ACJM to pass appropriate orders on consideration of facts and in accordance with law. We have not made any comments on the merits of the allegations and the case, including the investigation/inquiry report dated

07.07.2022. However, we must record that the respondent - Mathura Devi has disputed the said investigation/inquiry report.

Recording the aforesaid, the appeal is allowed and disposed of in the above terms.

Pending application(s), if any, shall stand disposed of.

.....J.  
(SANJIV KHANNA)

.....J.  
(M.M. SUNDRESH)

NEW DELHI;  
MAY 08, 2023.

ITEM NO.45

COURT NO.7

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 (Cr1.) No(s). 3595/2022

(Arising out of impugned final judgment and order dated 06-01-2022 in SBCRMP No. 5195/2021 passed by the High Court of Judicature for Rajasthan at Jaipur)

THE STATE OF RAJASTHAN

Petitioner(s)

VERSUS

MATHURA DEVI

Respondent(s)

(FOR ADMISSION and IA No.56662/2022-EXEMPTION FROM FILING O.T. )

Date : 08-05-2023 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJIV KHANNA  
HON'BLE MR. JUSTICE M.M. SUNDRESH

For Petitioner(s) Mr. Sidharth Luthra, Sr. Adv.  
Mr. Sandeep Kumar Jha, AOR  
Mr. Pankaj Singhal, Adv.  
Mr. Shakti Singh, Adv.  
Mr. Ashok Basoya, Adv.

For Respondent(s) Mr. Yadav Narender Singh, AOR  
Mr. Ashutosh Yadav, Adv.  
Mr. Jagdish Parshad, Adv.  
Mr. Gulab Chandra Yadav, Adv.

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

Leave granted.

The appeal is allowed and disposed of in terms of the signed order.

Pending application(s), if any, shall stand disposed of.

(BABITA PANDEY)  
COURT MASTER (SH)

(R.S. NARAYANAN)  
COURT MASTER (NSH)

(Signed order is placed on the file)