

ITEM NO.14

COURT NO.16

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 (CrI.) 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 : 06-05-2022 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJIV KHANNA
HON'BLE MS. JUSTICE BELA M. TRIVEDI

For Petitioner(s) Dr. Sidharth Luthra, Sr. Adv.
Mr. Milind Kumar, AOR
Mr. Pankaj Singhal, Adv.
Mr. Vijay, Adv.
Mr. Bharat Monga, Adv.
Mr. Vishal Meghwal, Adv.

For Respondent(s)

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

Dr. Sidharth Luthra, learned senior counsel for the petitioner, relies upon the decisions of this Court in "*Smt. Mona Panwar vs. The Hon'ble High Court of Judicature At Allahabad through its Registrar and others*" 2011 (3) SCC 496, and "*Ramdev Food Products Private Limited vs. State of Gujarat*", 2015 (6) SCC 439 to submit that upon cognizance of an offence by the Magistrate under Section 190 of the Code of Criminal Procedure, 1973,

directions for registration of a First Information Report cannot be issued.

Issue notice, returnable in the month of July, 2022.

Dasti, in addition, is also permitted and notice may be served on the respondent through the SHO of the Police Station concerned.

Till the next date of hearing, investigation can continue in terms of Section 202 of the Code of Criminal Procedure, 1973. An investigation report can be filed before the Magistrate. In case the FIR is not registered, the same would not be registered. However, in case the FIR has been registered, no chargesheet in terms of the Section 173 of the Code of Criminal Procedure, 1973 will be filed till the next date of hearing.

(BABITA PANDEY)
COURT MASTER (SH)

(DIPTI KHURANA)
COURT MASTER (NSH)