

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 (Crl.) No. 3683/2000

(From the judgement and order dated 24/08/2000 in CRMWP 4964/2000 of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

PUNIT KUMAR NIGAM

Petitioner (s)

VERSUS

STATE OF U.P. & ORS.

Respondent (s)

( With Appln(s). for ex-Parte stay, exemption from filing O.T. and impleading party )

Date : 06/11/2000 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.T. THOMAS  
HON'BLE MR. JUSTICE R.P. SETHI

For Petitioner (s)      Mr. Bhim Singh,Adv.  
                                 Ms. Renu George,Adv.  
                                 Mr. Dinesh Kumar Garg,Adv.

For Respondent (s)

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

.....L.....I..T.....T.....T.....T.....T.....T.....T.....T.....J  
What is now registered is only an F.I.R. for the offence under Sections 363, 366 and 420 of the Indian Penal Code at the instance of the parents of Rakhi Tiwari. The petitioner's case is that he and Rakhi Tiwari got married in the lawfull manner. That is no ground for quashing the F.I.R. because the police after investigation can either accept the stand of the petitioner or the stand of the complainant. We will not interfere with the freedom of the investigating officer to reach its own conclusions. Learned counsel then expressed the apprehension that this F.I.R. would be used to harass the petitioner by arresting him and denying him bail. We make it clear that the disposal of this special leave petition will be without prejudice to his right to move for bail either under Section 438 or under Section 439 of the Code of Criminal Procedure.

The special leave petition is accordingly disposed of.

(T.I. Rajput)  
Court Master

(H.K. Bhatia)  
Court Master