

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

Petition(s) for Special Leave to Appeal (Crl) No(s).7523/2010

(From the judgement and order dated 16/08/2010 in CRLA No. 27894/2009 of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

IQBAL SINGH SANDHU Petitioner(s)

VERSUS

RAJ RANI & ORS. Respondent(s)

(With appln(s) for stay and permission to file additional documents and office report)

Date: 14/03/2011 This Petition was called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE MARKANDEY KATJU
HON'BLE MRS. JUSTICE GYAN SUDHA MISRA

For Petitioner(s) Mr. C.D. Singh, Adv.
Mr. Sunny Choudhary, Adv.
Ms. Ayushi Borasi, Adv.

For Respondent(s) Mr. Kuldip Singh, Adv.

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

Leave granted.

The Appeal is disposed of.

(Rajesh Dham) (Indu Satija)
Court Master Court Master

(signed order is placed on the file)
IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 711 OF 2011
(arising out of S.L.P. (Crl) No(s).7523/2010)

IQBAL SINGH SANDHU Appellant(s)

VERSUS

RAJ RANI & ORS. Respondent(s)

O R D E R

Leave granted.

This Appeal has been filed against the impugned

judgment of the High Court of Punjab & Haryana dated 16.08.2010. By that judgment the High Court has directed that an FIR be registered and investigation be made against the appellant in this Appeal before us.

By our Order order dated 22.11.2010 we had directed the Director General of Police, Punjab to inquire into the matter either himself or through some senior officer nominated by him not below the rank of Superintendent of Police and submit a report before us within three months.

Pursuant to that Order, the Director General of Police, Punjab had nominated the Superintendent of Police, Ferozepur to investigate the matter and submit a report.

Now, an affidavit along with an inquiry report by the Superintendent of Police, Ferozepur :1: has been filed

before us, which is directed to be taken on record. The

said report states that the offence has not been proved.

A police report consists of two parts, namely, (1) the facts found by the police, and (2) the inference drawn by the police. The Magistrate before whom the police report is filed may disagree regarding the second part. Hence, even if a final report is filed by the police the Magistrate can reject it even without a protest petition and straightway take cognizance, vide M/s India Carat Pvt. Ltd. Vs.

State of Karnataka & Anr, AIR 1989 SC 885.

In the circumstances, we direct that the report of the Superintendent of Police filed before us shall be produced before the Magistrate concerned who will proceed in the matter in accordance with law and uninfluenced by the impugned judgment of the High Court.

The Appeal is disposed of accordingly.

.....J.
(MARKANDEY KATJU)

.....J.
(GYAN SUDHA MISRA)

NEW DELHI;
MARCH 14, 2011.

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