

SUPREME COURT OF INDIA

RECORD OF PROCEEDINGS

WRIT PETITION (CRL.) NO.68 OF 2008 (For Prel. Hearing)

LALITA KUMARI

Petitioner(s)

VERSUS GOVT. OF U.P. & ORS. Respondent(s) (With appln(s) for exemption from filing O.T.) Date: 14/07/2008 This Petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE B.N. AGRAWAL , HON'BLE MR. JUSTICE G.S. SINGHVI

For Petitioner(s)
Respondent(s)

Mr. Pranesh, Adv.

Ms. Mona Rajvanshi, Adv. For

UPON hearing counsel the Court made the following ORDER Exemption allowed.

Heard learned counsel appearing on behalf of the petitioner.

The grievance in the present writ petition is that the occurrence had taken place in the month of May and, in that very month, on 11th May, 2008, the written report was submitted by the petitioner before the Officer In-charge of the concerned Police Station, who sat tight over the matter. Thereafter, when the Superintendent of Police was 2-moved, a First Information Report (for short "F.I.R.") was registered.

Even thereafter, steps were not taken either for apprehending the accused or recovery of the minor girl child. It is a matter of experience of one of us (B.N. Agrawal, J.) while acting as Judge of Patna High Court, Chief Justice of Orissa High Court and Judge of this Court that in spite of law laid down by this Court, the concerned police authorities do not register F.I.Rs unless some direction is given by the Chief Judicial Magistrate or the High Court or this Court. Further experience shows that even after orders are passed by the concerned courts for registration of the case, the police does not take the necessary steps and when matters are brought to the notice of the Inspecting Judges of the High Court during the course of inspection of Courts and Superintendents of Police are taken to task, then only F.I.Rs are registered. In large number of cases investigations do not commence even after registration of F.I.Rs and in case like the present one, steps are not taken for recovery of the kidnapped person or apprehending the accused person with reasonable despatch. At times it has been found that when harsh orders are passed by the Members of the Judiciary in a State, the police becomes hostile to them for instance in Bihar when a bail petition filed by a police personnel, who was accused was rejected by a member of Bihar Superior Judicial Service, he was assaulted in the Court room for which contempt proceeding was initiated by Patna High Court and the erring police officials were convicted and sentenced to suffer

imprisonment.

On the other hand, there are innumerable cases that where the complainant is a practical person, F.I.Rs are registered immediately, copies thereof are made over to the complainant on the same day, investigation proceeds with super sonic jet speed, immediate steps are taken for apprehending the accused and recovery of the kidnapped persons and the properties which were subject matter of theft or dacoity. In the case before us allegations have been made that the Station House Officer of the concerned Police Station is pressurising the complainant to withdraw the complaint, which, if true, is a very disturbing state of affairs. We do not know there may be innumerable such instances.

In view of the above, we feel that it is high time to give directions to Governments of all the States and Union Territories besides their Director Generals of Police/Commissioners of Police as the case may be

to the effect that if steps are not taken for registration of F.I.Rs immediately and copies thereof are not made over to the complainants, they may move the concerned Magistrates by filing complaint petitions

to give direction to the police to register case immediately upon receipt/production of copy of the orders and make over copy of the F.I.Rs to the complainants, within twenty four hours of receipt/production of copy of such orders. It may further give direction to take immediate steps for apprehending the accused persons and recovery of kidnapped/abducted persons and properties which were subject matter of theft or dacoity. In case F.I.Rs are not registered within the aforementioned time, and/or aforementioned steps are not taken by the police, the concerned Magistrate would be justified in initiating contempt proceeding against such delinquent officers and punish them for violation of its orders if no sufficient cause is shown and awarding stringent punishment like sentence of imprisonment against them inasmuch as the Disciplinary Authority would be quite justified in initiating departmental proceeding and suspending them in contemplation of the same.

Keeping in mind these facts, we are of the view that notices should be issued to Government of all the States and Union Territories besides Director Generals of Police/Commissioners of Police as the case may be.

Issue notice to the Chief Secretaries of all the States and Union Territories and the Director Generals of Police/Commissioners of Police, as the case may be, to show cause as to why aforesaid directions be not given by this Court. Notices may be sent to the parties by Fax and it should be mentioned therein that the order has been put on the Website of the Supreme Court of India so that they may file response without loss of time.

Let the Registry place this order on the Website immediately on receipt of the file so that the concerned authorities know about the same and that the person concerned may file response within the time granted hereunder .

Three weeks' time is allowed to file response.

Place this matter on 8th August, 2008.

[Alka Dudeja]

[Om Prakash]