

Sangita Vilas Ingle vs State Of Maharashtra & Ors on 6 February, 2017

Equivalent citations: AIR 2017 SC 1423, 2017 (2) SCC 728, AIR 2017 SC(CRI) 675, (2017) 2 CRILR(RAJ) 458, (2017) 172 ALLINDCAS 34 (SC), (2017) 99 ALLCRIC 358, 2017 (2) SCC (CRI) 120, (2017) 3 SCALE 256, 2017 ALLMR(CRI) 4892, 2017 CRILR(SC&MP) 458, (2017) 1 UC 481, 2017 (2) ABR (CRI) 127, 2017 CRILR(SC MAH GUJ) 458, AIR 2017 SUPREME COURT 1423, AIR 2017 SC (CRIMINAL) 675 2017 (2) ABR (CRI) 127

Bench: A.M. Khanwilkar, Kurian Joseph

NON-REPORTABLE

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.242 OF 2017
(Arising out of SLP(CrI.)No.9587 of 2013)

Sangita Vilas Ingle

...Appellant

VS.

State of Maharashtra & Ors.

...Respondents

J U D G M E N T

KURIAN, J.

1. Leave granted.

2. The appellant is aggrieved by the summary dismissal of the Criminal Writ Petition No.53 of 2013 filed by her.

3. The judgment dated 17th June, 2013 expressed in cryptic words reads as follows:-

“The petition involves various disputed questions of fact. As such we are not inclined to invoke extraordinary jurisdiction either under Article 226 of the Constitution of

India or under Section 482 of the Code of Criminal Procedure.

In any case, the petitioner has efficacious and adequate remedy of filling complaint before the learned Judicial Magistrate, First Class.

In that view of the matter, we are not inclined to entertain this petition. The petition is rejected relegating the petitioner to alternate remedy available in law.”

4. The prayers made in the writ petition are as follows:

“a) This Hon'ble Court be pleased to issue a writ of mandamus and/or writ, order or direction in the nature of mandamus directing that officers of Respondent No.5 to provide the petitioner and her family with protection at state expenses.

b) This Hon'ble Court be pleased to issue a writ of mandamus and/or writ, order or direction in the nature of mandamus directing that officers of Respondent No.1 be prosecuted for subjecting the petitioner and her family to cruel and inhumane acts amounting to torture;

c) This Hon'ble Court be pleased to issue a writ of mandamus and/or writ, order or direction in the nature of mandamus directing that officers of Respondent No.1 be prosecuted for detaining master Ajay Saurabh and Miss Sukeshini.

d) This Hon'ble Court be pleased to issue a writ of mandamus and/or writ, order or direction in the nature of mandamus directing that officers of Respondent No.1 be prosecuted for illegally handcuffing the Petitioner, her husband and mother Sudhabai;

e) This Hon'ble Court be pleased to issue a writ of mandamus and/or writ, order or direction in the nature of mandamus directing that the officials of Respondent No.1 to initiate appropriate proceedings against its officers and Haridas Kuchake and his associate and file an action taken report, with this Hon'ble Court.

f) This Hon'ble Court be pleased to issue a writ of mandamus and/or writ, order or of mandamus directing that monetary compensation as this Hon'ble Court may deem fit be paid by the Respondents collectively to the Petitioner for the violation of his fundamental rights and the fundamental rights of her son daughter, mother and husband;

g) This Hon'ble Court be pleased to issue a writ of mandamus and/or writ, order or direction in the nature of mandamus directing to Dean of Akola Government Medical College to provide counseling through a psychologist to the the Master Sourabh and Miss Sukeshini and to conduct their psychological test and to analyse trauma suffered by children and its impact on their growth, if any.

h) This Hon'ble Court be pleased to issue a writ of mandamus and/or writ, order or direction in the nature of mandamus directing Dean of Akola Government Medical College to conduct thorough medical examination of the petitioners husband and assess the harm suffered by him, physically and mentally, through experts.

i) This Hon'ble Court be pleased to issue a writ of mandamus and/or writ, order or direction in the nature of mandamus directing to initiate proceeding against the erring officers under provisions of Indian Penal Code and SC ST Prevention of Atrocity act, for parading the petitioner, her children and her mother in the village Hatha.

j) This Hon'ble Court be pleased to issue a writ of mandamus and/or writ, order or direction in the nature of mandamus directing to initiate proceeding under Indian Penal Code and SC ST Prevention of Atrocity Act for publicly insulting the petitioner and her family;

k) This Hon'ble Court be pleased to issue a writ of certiorari and/o writ, order or direction in the nature of certiorari quashing and setting aside the FIR no.89252 crime no 2 of 13 k.

k.i. This Hon'ble Court be pleased to issue a writ of certiorari and/or writ, order or direction in the nature of certiorari, quashing and setting aside the Chargesheet No.15 of 2013 at Annexure F1 and unnumbered and undated Chargesheet arising out of FIR no.3001 of 2013.

k.ii. This Hon'ble Court be pleased to quash and set aside the Chargesheet No.15 of 2013 at Annexure F1 and unnumbered and undated Chargesheet arising out of FIR no.3001 of 2013 at Annexure F2, exercising the inherent power of this Hon'ble Court provided under section 482 of Criminal Procedure Code.

l) That this Hon'ble Court be pleased to appoint a commissioner to investigate the torture of the Ingale family at the hands of the police officers of Police Station Ural and those that acted in concert with them, and file an appropriate report with this Hon'ble Court.”

5. Having regard to the prayers extracted above, the High Court was not justified in dismissing the writ petition only on the ground that some disputed questions of fact were involved. The writ petition requires to be considered on merits.

6. Accordingly, we allow the appeal and set aside the impugned judgment. The writ petition is remanded to the High Court and we request the High Court to take up the writ petition expeditiously, consider and dispose of the same on merits, preferably within a period of one year.

.....J. [KURIAN JOSEPH]J. [A.M. KHANWILKAR] New Delhi;

February 6, 2017.