

Mrs. Nilima Priyadarshini

Vs

State of Bihar

Writ Petition (Criminal) No. 243 of 1987

(CJI R. S. Pathak, S. Natarajan, M. N. Vankatachaliah JJ)

09.12.1988

JUDGMENT

PATHAK, C. J. –

1. The court received a letter dated November 21, 1986, purporting to be from Nilima Priyadarshini, containing certain statements, and alleging that she being detained against her will by her parents. The letter was registered as a writ petition, and having regard to what was alleged therein the court directed the father of the girl to produce her before the Additional Chief Judicial Magistrate, Jamshedpur, and directed the Additional Chief Judicial Magistrate to ascertain the true facts from her on the question whether she was being detained against her wishes. The court made the order aforesaid on the assumption that the letter was authentic, but refrained from expressing any opinion on the authenticity of the letter. When the case came before the court thereafter, learned counsel for the petitioner stated that the letter which purports to have been written by the petitioner to this Court was in fact a forgery and that none of the statements made therein had any foundation in truth. An affidavit was filed by Nilima Tiwary that the letter was a completely forged and fabricated document prepared by C. K. Tripathi, a Sub-Inspector of Police, and was intended to embarrass her parents and to ruin her reputation. The statements set forth in the letter were denied in toto. Accordingly, the court made an order directing the Central Bureau of Investigation to conduct an inquiry into the origin and authorship of the letter and the circumstances in which it was written. The report of the Special Police Establishment was received by this Court and it appears that an examination of the material indicated that the letter was a forgery committed by C. K. Tripathi and B. K. Tripathi and it was recommended that they be prosecuted under Section 120-B, 465, 466 and 500 of the Indian Penal Code. When the case was listed again before us, learned counsel for the petitioner vehemently urged that criminal proceedings should be taken against the two persons mentioned earlier. Learned counsel appearing for those two persons contended, on the contrary, that the prosecution of his clients would only result in further embarrassment and it was in the fitness of things that no further proceedings should be taken and the matter in this Court should be closed.

2. We have considered the facts and circumstances of the case and have also perused the written submissions filed by the parties. Upon careful consideration, we are of the view that without expressing any opinion on the questions arising in the case, we should close the proceedings. It is an unfortunate case, which has brought unnecessary suffering and embarrassment.

3. In the result, we dismiss the writ petition and refrain from passing any further orders. In the circumstances of the case, however, we direct C. K. Tripathi to pay to the petitioner, Nilima Tiwary, a sum of Rs. 2000 as costs of this proceeding.

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