

SUPREME COURT OF INDIA

Vinesh Pundir

Vs.

State of U.P.

(M.J. Rao and M.B. Shah JJ.)

20.04.2000

ORDER

1. This Writ Petition is filed under Article 32 of the Constitution of India.
2. This Court, by order dated 23.4.1999, directed an enquiry as to whether the Petitioner's husband suffered injuries on account of certain alleged cruelty on the part of the police authorities. According to the petitioner, her husband suffered injuries at the hands of the police authorities for which her husband was liable to be compensated and action is to be taken against the police authorities. The District Judge, Muzaffarnagar was directed to inquire into the matter to find out if there is any prima facie material. He accordingly conducted an inquiry and submitted a report to this Court, dated 14.1.2000.
3. Apart from various observations and findings given by him, we may refer to one aspect of the report wherein the learned District Judge was of the view that there was a "possibility" that the Sub-Inspector Tushar Bora along with Sub-Inspector Suraj Bhan and Constables Devendra Singh and Chandahas might have visited the village of petitioner in a jeep and entered in the ghar of the Petitioner on the night of 2.5.1998 and that they assaulted the husband of the Petitioner and it appears that due to the injuries which were inflicted, subsequently husband of the Petitioner developed some complications in his upper limbs and was taken to the Primary Health center, Charthawal, for treatment from where he was referred to the District Hospital, Muzaffarnagar. It was, however, found that the contention of the Petitioner that her husband was taken to police station by Respondent Nos. 3 to 14 was incorrect and false. The report also stated that the allegation of the Petitioner against two Constables, Krishna Pal and Gajaraj Singh were not established because they were on leave. We do not think it necessary to go into the merits of the findings given by the learned District Judge in the above report. Suffice it to say that on the basis of the report, it will be for the Government to initiate the appropriate departmental proceedings in accordance with the Rules applicable to the officers against whom the learned District Judge made adverse comments. We direct the Government of U.P. accordingly.
4. So far as the husband of the Petitioner is concerned, it will be open to him to file a complaint before the concerned Magistrate who is having jurisdiction over the matter, for appropriate action under the Criminal Law. If he wants to claim damages, it will also be open to the husband of the Petitioner to approach a civil court or the Human Rights Commission or seek other remedies.
5. We are not to be understood as having said anything on the merits of the allegations raised by the

Petitioner or the findings arrived at by the learned District judge.

6. If any proceedings are taken as above, they will be decided in accordance with law.

7. The Writ Petition is disposed of accordingly.