

SUPREME COURT OF INDIA

Station House Officer

Vs.

S. Swathi

S.L.P. (Crl.) No. 381-382 of 2003

(K. G. Balakrishnan and B. N. Srikrishna JJ.)

13.02.2004

JUDGMENT

K. G. Balakrishnan, J.

1. Leave granted.

2. These appeals are directed against the judgment passed by a Division Bench of the Andhra Pradesh High Court. The respondent, Smt.K.M.Padmaleela, sent a telegram to the learned Chief Justice of Andhra Pradesh High Court and it was treated as a habeas corpus petition by the High Court wherein it was alleged that her husband Rajendra Prasad was taken into custody by the police at 2.45 a.m. on 29.10.2002 without any reason and he had been in illegal detention. Another woman by name Smt. S.Swathi sent a telegram to the High Court alleging that her husband, Sale Rajashekar, was also taken into custody by the police. That telegram was also treated as a writ petition by the High Court. The detenus had moved bail applications before the concerned court and they were pending. Pursuant to the judgment passed by the Division Bench, the detenus were released. However, by the impugned judgment, the Division Bench was pleased to give certain directions and, aggrieved by the same, these appeals have been filed by the appellants.

3. In the habeas corpus application, the prayer sought for was to release the detenus from illegal detention. The Division Bench was pleased to summon the police officers and, on perusal of various documents, has held that prosecution proceedings initiated against the detenus and others were not properly done and these proceedings were directed to be quashed. The Division Bench ordered payment of Rs.50000/- (Rupees Fifty thousand) to Rajendra Prasad alleging that the police had shown their high handedness in arresting him without any valid reason.

4. We have heard the learned counsel for the appellants and also the learned counsel for the respondent. Learned counsel for the appellants submitted that the Division Bench was not justified in quashing the various criminal proceedings pending against the detenus and the prayer in the habeas corpus application was in regard to illegal detention of the detenus.

5. We also feel that all the criminal proceedings should not have been quashed in a habeas corpus application. So also the direction to pay compensation of Rs.50, 000/- to the detenus was also not warranted, in the facts and circumstances of the case, in habeas corpus petition, where many facts are disputed by the parties. If Rajendra Prasad is, in any way, aggrieved by the unlawful conduct of the police officers or any other parties, he would be at liberty to proceed against them in accordance with law, either by way of civil or criminal proceedings.

6. Accordingly, we set aside the impugned judgment directing the payment of Rs.50000/- by the police officers and also set aside the direction of the Division Bench quashing various criminal proceedings.

7. The inquiry pending before the Magistrate shall be continued. However, Rajendra Prasad and Rajashekar shall remain on bail throughout the proceedings. Other persons would also be at liberty to file appropriate application before appropriate forum for such relief.

8. The appeals are disposed of accordingly.