

Anju Jain

v.

State of U.P. & Others

(Supreme Court Of India)

Writ Petition (Criminal) No. 43 Of 2004 | 08-11-2005

1. This writ petition is filed by the mother of a boy named Sachin Jain. The allegation in the writ petition is that Sachin Jain was kidnapped on 24.1.2004 in a Maruti car at the instance of some criminals and in the writ petition the petitioner has sought for a direction in the nature of Habeas Corpus to produce the body of the petitioner's son Sachin Jain. We are told that the police has already registered a case against five accused and charge-sheet has also been submitted and the Court has taken cognizance of certain offences. So the prayer for a writ of Habeas Corpus does not survive.

2. This Court appointed Mr. Rakesh Dwivedi, Senior Counsel to assist the Court as it was suspected that some of the Police Inspectors/SHOs had filed some false cases against Sachin Jain as he had filed a complaint before the National Human Rights Commission on 6.1.2003. It is also brought to our notice that the cases filed against Sachin Jain were false cases and on inquiry it was found that no case had been made out and the Superintendent of Police was of the view that these cases were not based on any complaint but the police had suo motu registered the cases.

3. We issued notices to the Police Inspectors/SHOs Rakesh Pratap Singh, Har Prasad Singh and Vijay Kumar, who had been working as Inspectors/SHOs at Nai Mandi, Kotwali, Muzaffar Nagar during the relevant period. These Inspectors/SHOs are represented through Counsel, and we heard Counsel who denied the allegations made against these respondents.

4. It is to be ascertained that while registering a case against Sachin Jain the Inspectors/SHOs had committed any laches, illegalities or irregularities and whether he had been victimized and this incident led to ultimate crime allegedly committed by the accused who had been charge-sheeted. Hence, we order for an

inquiry into the whole incident. The inquiry, we hope, would throw some light whether these Inspectors/SHOs had any nexus with the alleged criminals and this situation thereby led to the commission of the serious crimes.

5. The Inspector General of Police, Meerut Zone shall conduct a detailed inquiry and find out the truth. The relevant records in the case shall be made available to the Inspector General of Police and he may also collect other relevant records and shall conduct an inquiry. The Inspectors/SHOs shall be given reasonable opportunity of being heard in the matter and after inquiry the Inspector General of Police shall file a report addressed to the Registrar General of this Court within a period of three months. Registry to take further action in the matter.

6. Post the case after three months.