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SUPREME COURT CASES

(2017) 2 SCC

**(2017) 2 Supreme Court Cases 728**

(BEFORE KURIAN JOSEPH AND A.M. KHANWILKAR, JJ.)

SANGITA VILAS INGLE

.. Appellant;

a

*Versus*

STATE OF MAHARASHTRA AND OTHERS

.. Respondents.

Criminal Appeal No. 242 of 2017<sup>†</sup>, decided on February 6, 2017

**Constitution of India — Arts. 226 and 21 — Maintainability of writ petition — Questions of fact — Involvement of — Effect — Allegations of serious infringement of right to life and liberty by police — Writ petition filed alleging torture of petitioner and her family at the hands of certain police officers and seeking various directions in the matter — Summary dismissal of, in a cryptic manner — Merely on ground that some disputed questions of fact were involved therein — Propriety**

b

— Considering the prayers made in the writ petition, held, such dismissal of writ petition was not justified — Impugned judgment of High Court consequently set aside — Matter remanded to High Court for consideration on merits

c

*Sangita Vilas Ingle v. Station In-Charge*, 2013 SCC OnLine Bom 1886, *reversed*

Appeal allowed

W-D/58245/CR

d

Advocates who appeared in this case :

Colin Gonsalves, Senior Advocate (Ms Pallavi Sharma and Ms Jyoti Mendiratta, Advocates) for the Appellant;  
Nishant Ramakantrao Katneshwarkar, Ms Deepa Kulkarni and Arpit Rai, Advocates) for the Respondents.

***Chronological list of cases cited***

*on page(s)*

e

1. 2013 SCC OnLine Bom 1886, *Sangita Vilas Ingle v. Station In-Charge* (**reversed**)

728f, 730e-f

The Judgment of the Court was delivered by

**KURIAN JOSEPH, J.**— Leave granted. The appellant is aggrieved by the summary dismissal of Criminal Writ Petition No. 53 of 2013 filed by her.

f

2. The judgment dated 17-6-2013<sup>1</sup> 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.

g

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

<sup>†</sup> Arising out of SLP (Crl.) No. 9587 of 2013. From the Judgment and Order dated 17-6-2013 of Bombay High Court, Nagpur Bench in Crl. WP No. 53 of 2013 : *Sangita Vilas Ingle v. Station In-Charge*, 2013 SCC OnLine Bom 1886

h

1 *Sangita Vilas Ingle v. Station In-Charge*, 2013 SCC OnLine Bom 1886

SANGITA VILAS INGLE v. STATE OF MAHARASHTRA (*Kurian, J.*) 729

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.”

a

3. 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 5 to provide the petitioner and her family with protection at State expenses.

b

(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 1 be prosecuted for subjecting the petitioner and her family to cruel and inhumane acts amounting to torture.

c

(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 1 be prosecuted for detaining Master Ajay Saurabh and Miss Sukeshini.

d

(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 1 be prosecuted for illegally handcuffing the petitioner, her husband and mother Sudhabai;

e

(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 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

(f) 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 monetary compensation as this Hon’ble Court may deem fit be paid by the respondents collectively to the petitioner for the violation of her fundamental rights and the fundamental rights of her son, daughter, mother and husband;

g

(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 counselling through a psychologist to Master Saurabh 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

(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 petitioner’s 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

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proceeding against the erring officers under the provisions of the Penal Code, 1860 and SC ST Prevention of Atrocities Act, for parading the petitioner, her children and her mother in Village Hatha.

a

(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 the Penal Code and SC ST Prevention of Atrocities Act for publicly insulting the petitioner and her family;

(k) 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 FIR No. 89252 Crime No. 2 of 2013.

b

(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 Charge-sheet No. 15 of 2013 at Annexure F-1 and unnumbered and undated charge-sheet arising out of FIR No. 3001 of 2013.

c

(k)(ii) This Hon'ble Court be pleased to quash and set aside Charge-sheet No. 15 of 2013 at Annexure F-1 and unnumbered and undated charge-sheet arising out of FIR No. 3001 of 2013 at Annexure F-2, exercising the inherent power of this Hon'ble Court provided under Section 482 of the Criminal Procedure Code.

(l) That this Hon'ble Court be pleased to appoint a Commissioner to investigate the torture of the Ingle 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."

d

4. 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.

e

5. Accordingly, we allow the appeal and set aside the impugned judgment<sup>1</sup>. 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.

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g

h

1 *Sangita Vilas Ingle v. Station In-Charge*, 2013 SCC OnLine Bom 1886