

ITEM NO.28

COURT NO.1

SECTION II-C

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl.) No(s). 3917/2024

(Arising out of impugned final judgment and order dated 09-01-2024 in CRMP No. 84/2024 passed by the High Court of Himachal Pradesh at Shimla)

SHALINI AGNIHOTRI

Petitioner(s)

VERSUS

HIGH COURT OF HIMACHAL PRADESH & ORS.

Respondent(s)

(IA No.69100/2024-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.69104/2024-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 19-04-2024 These matters were called on for hearing today.

CORAM : HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE J.B. PARDIWALA

For Petitioner(s) Mr. Siddhartha Dave, Sr. Adv.
Mr. Mohit D. Ram, AOR

For Respondent(s) Mr. Arkaj Kumar, Adv.
Mr. Padmesh Mishra, Adv.
Ms. Tanya Aggarwal, Adv.
Mr. Aakarsh Mishra, Adv.
Mr. Aayushmaan Vatsyayana, AOR

Respondent-in-person

UPON hearing the counsel the Court made the following
O R D E R

- 1 Application for impleadment is allowed.
- 2 We have heard Mr Siddhartha Dave, senior counsel appearing on behalf of the

petitioner, Mr Anup K Ratan, Advocate-General appearing on behalf of the State of Himachal Pradesh and Mr Nishant Sharma, appearing in-person

3 The genesis of the dispute has been adverted to in the judgment of this Court dated 12 January 2024. At this stage, it would suffice to note that an SIT has been constituted by the State of Himachal Pradesh to investigate into two First Information Reports, namely FIR No 55 of 2023 lodged by Mr Nishant Sharma at Police Station Mcleodganj and FIR No 98 of 2023 lodged at Police Station Simla East by the Director General of Police.

4 The Advocate-General states that the investigation is under way.

5 By the impugned order of the High Court dated 9 January 2024, the petitioner, who is posted as Superintendent of Police, Kangra, was directed to be transferred out of District Kangra.

6 While issuing notice on 21 March 2024, this Court had stayed the directions issued by the High Court against the petitioner.

6 Since the SIT which has been constituted by the State of Himachal Pradesh is in the process of investigating the two FIRs, we are desisting from expressing any opinion on the merits of the allegations at this stage. However, it would be necessary to note that Mr Nishant Sharma, the newly impleaded respondent, has submitted that the direction which was issued by this Court for the provision of security to him has not been fulfilled in its true spirit for two reasons :

- (i) Firstly, the security that is to be provided to him is being monitored by the petitioner who is the Superintendent of Police, Kangra; and
- (ii) Secondly, it is apprehended by him that in the guise of security, his movements should not be restrained.

7 The Advocate-General, appearing on behalf of the State of Himachal Pradesh has assured the Court that there is no intent to restrict the free movement of the newly added respondent under the guise of providing security to him.

8 In view of the apprehension Mr Nishant Sharma has expressed before this Court, we direct that the monitoring of the security arrangements to be provided to him shall be exclusively within the domain of the Additional General of Police of the Himachal Pradesh. In other words, the petitioner, who is posted as Superintendent of Police, Kangra shall not have any role in relation to the security to be provided to Mr Nishant Sharma.

9 These proceedings have arisen at the interlocutory stage. The High Court is still seized of the main proceedings. The report of the SIT would have to be submitted before the High Court. In that view of the matter, we direct that pending the disposal of the proceedings before the High Court, the order dated 9 January 2024 in relation to the petitioner shall remain stayed. All the submissions of Mr Nishant Sharma, the newly added respondent, may be placed before the High Court so that his grievances can be duly considered in the course of the main proceedings which are pending before the High Court.

- 10 Mr Nishant Sharma would be at liberty to file further affidavit before the High Court holding his grievances and such of the documents that he wish to place on the record.
- 11 The Special Leave Petition is accordingly disposed of.
- 12 Pending applications, if any, stand disposed of.

(GULSHAN KUMAR ARORA)
AR-CUM-PS

(SAROJ KUMARI GAUR)
ASSISTANT REGISTRAR