

ITEM NO.16

COURT NO.1

SECTION X

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition (Criminal) No.189/2023

XYZ & ORS.

Petitioner(s)

VERSUS

STATE NCT OF DELHI & ORS.

Respondent(s)

(With IA No.87189/2023-PERMISSION TO PLACE ON RECORD THE DOCUMENTS
IN SEALED COVER)

Date : 04-05-2023 This petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA
HON'BLE MR. JUSTICE J.B. PARDIWALA

For Petitioner(s)

Mr. Narender Hooda, Sr. Adv.
Dr. Surender Singh Hooda, AOR
Mr. Shaurya Lamba, Adv.
Mr. Aditya Hooda, Adv.
Mr. Aditya Mishra, Adv.
Mr. Anindya Malhotra, Adv.
Mr. Rishab Goel, Adv.
Mr. Rishab Raj Jain, Adv.
Ms. Nandita Hooda, Adv.
Mr. Karanvir Hooda, Adv.
Mr. Rahul Rathore, Adv.
Mr. Ashish Kumar Pandey, Adv.

For Respondent(s)

Mr. Tushar Mehta, SG
Mr. Shreekant Neelappa Terdal, AOR
Mr. Kanu Agrawal, Adv.
Mr. Bhuvan Kapoor, Adv.

**Mr. Mahdav Sinhal, Adv.
Mr. Adit Khorana, Adv.
Dr. N. Visakamurthy, Adv.**

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

- 1 The jurisdiction of this Court has been invoked under Article 32 of the Constitution seeking a mandamus for the registration of an FIR in relation to certain allegations of sexual harassment against Brij Bhushan Sharan Singh, President of the Wrestling Federation of India.
- 2 The Petition has been instituted by three petitioners, all of whom have stated that they have represented India in reputed international wrestling events.
- 3 Notice was issued in these proceedings on 25 April 2023.
- 4 On 28 April 2023, this Court was apprised by Mr Tushar Mehta, Solicitor General that since the allegations implicate the commission of a cognizable offence, the respondents have decided to register a First Information Report.
- 5 On 28 April 2023, two First Information Reports, namely, FIR No 77 of 2023 for the commission of alleged offences punishable under Sections 354, 354A, 354D and 34 of the Indian Penal Code and Section 10 of the POCSO Act and FIR No 78 of 2023 for the commission of alleged offences punishable under Sections 354, 354A, 354D and 34 of the Indian Penal Code have been registered at Police Station Connaught Place, New Delhi.

- 6 The statement of one of the complainants, who is a minor, was recorded on 29 April 2023 under Section 161 of the Code of Criminal Procedure in two sessions between: (i) 4 pm and 5.45 pm; and (ii) 8.20 pm and 9.43 pm in the presence of four women constables in the office of the counsel for the petitioners. The statements of four complainants under Section 161 CrPC have been recorded on 3 May 2023.
- 7 The Solicitor General has apprised the Court that the process of recording the statement under Section 164 CrPC before the jurisdictional Magistrate will be initiated shortly.
- 8 The purpose of the Petition before this Court was to ensure the registration of an FIR. FIRs have been registered. Apart from the registration of the FIRs, this Court had passed directions for the purpose of ensuring security to the complainants.
- 9 The Deputy Commissioner of Police, New Delhi District has filed an affidavit indicating that proper security has been provided to the minor complainant. In addition, it has been stated that after making an assessment of the threat perception to the other complainants, due arrangements have been made for provision of security.
- 10 Having due regard to the ambit of the proceedings which were instituted before this Court, and following the registration of the FIR, we close the proceedings at this stage. If the petitioners seek any further remedies, they

would be at liberty to do so either before the jurisdictional Magistrate or, as the case may be, before the High Court in the exercise of its jurisdiction under Article 226 of the Constitution and Section 482 of the Code of Criminal Procedure.

- 11 The Petition is accordingly disposed of.
- 12 Pending applications, if any, stand disposed of.

(CHETAN KUMAR)
A.R. - cum - P.S.

(SAROJ KUMARI GAUR)
Assistant Registrar