

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 SWrit Petition(s) (Criminal) No(s). 139/2026

XXX

Petitioner(s)

VERSUS

STATE OF UTTAR PRADESH & ORS.

Respondent(s)

(IA No. 107488/2026 - EXEMPTION FROM FILING O.T. and IA No. 107486/2026 - GRANT OF INTERIM RELIEF)

Date : 24-04-2026 This matter was called on for hearing today.

CORAM : HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE JOYMALYA BAGCHI
HON'BLE MR. JUSTICE VIPUL M. PANCHOLIFor Petitioner(s) :Mr. N Hariharan, Sr. Adv.
Mr. Siddharth Yadav, Adv.
Mr. Ashish Batra, AOR
Mr. Rahul Sambher, Adv.
Mrs. Sneha Bakshiram, Adv.
Mr. Rahul Yadav, Adv.
Mr. Ayush Kumar Singh, Adv.
Mr. Kashish Ahuja, Adv.
Mr. Aman Akhtar, Adv.
Mr. Arjan Singh Mandla, Adv.
Mr. Hitesh Kumar Yadav, Adv.
Mr. Prateek Bhalla, Adv.
Mrs. Mallika Chadha, Adv.For Respondent(s) :Ms. Aishwarya Bhati, A.S.G.
Dr. Vijendra Singh, AOR
Ms. Apurva Singh, Adv.
Mr. Kumar Abhinandan, Adv.
Ms. Sunit Choudhary, Adv.

Mr. Abhishek Singh, Adv.
Mr. Rajeev Kumar Dubey, AOR
Ms. Vidushi Pandey, Adv.
Mr. Subham Bahuguna, Adv.
Mr. Himanshu Kumar, Adv.
Mr. Rajeev Kumar Singh, Adv.
Mr. Vaibhav Tripathi, Adv.
Ms. Kanishka, Adv.

Mr. Rahul Kaushik, Sr. Adv.

Mr. Ashish Pandey, AOR
Mr. Abhinav Rathi, Adv.
Mr. Manvendra Singh, Adv.
Mr. Ashutosh Bhardwaj, Adv.
Mr. Prateek Rai, Adv.
Mr. Shubham Saxena, Adv.
Mrs. Sakshi Tomar, Adv.

UPON hearing the counsel the Court made the following

O R D E R

1. A horrifying physical and sexual assault on a four-year-old child, allegedly by her own neighbour, prompted this Court to entertain this Writ Petition under Article 32 of the Constitution of India. The facts in detail, as alleged by the complainant, father of the victim child, are duly noticed in our order dated 10.04.2026, and we do not propose to reiterate them. The petitioner's grievance is the lack of a fair, impartial and dispassionate investigation into the matter. He has attributed sheer negligence, lack of empathy and cooperation on the part of the local police, as well as the private hospital where the injured child was initially taken. It is alleged that the victim child did not receive timely treatment in the said hospital, and had to be taken to a Government Hospital, by which time it was too late, and the child had already succumbed to her injuries.

2. We are informed that the principal accused has been arrested, the investigation is complete, and a chargesheet has already been filed. The trial is said to have commenced.

3. The petitioner, however, has placed on record some documents claiming that the conduct of the public prosecutor is also not up to the mark, and the parents of the victim child are under constant fear and apprehension of denial of a fair and just trial.

4. We do not intend to express any opinion in favour or against the allegations or the explanation rendered on behalf of the respondents, including the private respondents. All we wish to add is that, given the diabolical nature of the offence and apprehension expressed by the parents of the victim child, the matter ought to have drawn the attention of fairly senior authorities. We deem it appropriate to dispose of the instant Writ Petition at this stage with the following directions:

(i) The Director General of Police, Uttar Pradesh, is directed to constitute a Special Investigation Team, comprising:

(a) A woman police officer in the rank of Commissioner of Police/Inspector General of Police, who will be of Uttar Pradesh cadre but not having roots in the State of Uttar Pradesh;

(b) A woman police officer in the rank of Superintendent of Police/Additional Superintendent of Police; and

(c) A woman police officer in the rank of Deputy Superintendent of Police or Inspector of Police.

(ii) The SIT shall be notified preferably during the course of the day, but in any case, by tomorrow, 11 a.m.

(iii) The SIT will resume investigation without any delay, i.e., tomorrow itself.

(iv) The SIT will look into all the grievances raised on behalf of the parents of the victim, especially towards the protection of crucial and vital witnesses.

(v) The SIT is also directed to investigate the role of the private hospital.

(vi) Since we have directed a further investigation through the SIT, the Trial Court is directed to keep the proceedings in abeyance till a supplementary report is filed by the SIT.

(vii) The SIT shall make an endeavour to conclude the proceedings as early as possible and preferably within two weeks.

(viii) After filing a supplementary report, a compliance affidavit shall be filed by the head of the SIT before the Registrar (Judicial) of this Court.

5. It goes without saying that, depending on the outcome of the investigation, necessary consequences shall follow.

6. It is clarified that we have not expressed any opinion on allegations or the counter-allegations made by the parties. Such allegations, including any explanations or defences provided by the private hospital, shall be independently examined by the SIT.

7. Pending application(s), if any, shall stand closed.

(NITIN TALREJA)
ASTT. REGISTRAR-cum-PS

(PREETHI DILEEP KUMAR)
ASSISTANT REGISTRAR