SNIPPETS

OF

SUPREME COURT JUDGEMENTS

APRIL 2026

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1. *Syed Mohd. Ghouse Pasha Khadri v. Syed Mohd. Adil Pasha Khadri*; 2026 SCC OnLine SC 518

Decided on: 6 April 2026

Bench: 1. Hon'ble Mr. Justice M.M. Sundresh

2. Hon'ble Mr. Justice Vipul M. Pancholi

(Waqf Act, 1995—Section 32(2)(g)—Jurisdiction of Civil Court—Succession to office of Sajjadanashin—Distinction between Sajjadanashin and Mutawalli—Spiritual office of Waqf—Whether civil court can decide succession and appointment of Sajjadanashin—Jurisdiction of Waqf Board and Waqf Tribunal—Nomination-based succession—Customary and hereditary succession.)

Facts

The dispute concerned succession to the spiritual office of Sajjadanashin of Hazarath Mardane-e-Gaib Dargah, popularly known as the "Big Makan", situated at Channapatna, Ramanagara District, Karnataka, which is a notified Waqf institution.

The petitioner traced his claim through hereditary succession from the founder of the Dargah. His grandfather, who was the then Sajjadanashin, had initially nominated his eldest son as Jan-Nasheen in 1964. However, after the death of the said son in 1980, the grandfather, during a religious congregation held on 26 February 1981, nominated the present petitioner—his grandson—as Jan-Nasheen Sajjada. The nomination was formalised through a written *Khilafathnama*.

Following the death of the grandfather in 1988, the petitioner claimed succession to the office of Sajjadanashin. A rival claim was set up by another branch of the family relying upon a 1944 will and alleged recognition in a congregation held in 1987.

Litigation commenced in 1988 when the petitioner's uncle filed a civil suit claiming declaration as Sajjadanashin. The petitioner contested the suit and filed a counterclaim seeking declaration of his own status.

The matter underwent prolonged litigation for nearly 37 years, including transfer to the Waqf Tribunal and subsequent return to the civil court. Ultimately, the trial court dismissed the rival claim and decreed the petitioner's counterclaim declaring him as Sajjadanashin. The First Appellate Court affirmed the findings.

However, the Karnataka High Court, in second appeal, set aside the concurrent findings solely on the ground that civil courts lacked jurisdiction to decide disputes relating to succession to the office of Sajjadanashin of a notified Waqf institution, holding that such jurisdiction vested exclusively in the Waqf Board.

Aggrieved thereby, the petitioner approached the Supreme Court.

Issues

1. Whether the office of Mutawalli and Sajjadanashin are one and the same.
2. Whether civil courts possess jurisdiction to adjudicate disputes relating to appointment and succession to the office of Sajjadanashin of a notified Waqf institution.
3. Whether the High Court was justified in setting aside concurrent findings solely on the ground of lack of jurisdiction.

Judgment

The Supreme Court allowed the appeals and held that the office of Sajjadanashin is distinct from that of a Mutawalli and that civil courts possess jurisdiction to adjudicate disputes concerning succession and appointment to the office of Sajjadanashin.

The Court set aside the judgment of the Karnataka High Court and restored the concurrent findings of the trial court and First Appellate Court.

The matter was remitted to the High Court for decision on merits, excluding the issue of jurisdiction which stood conclusively decided.

Rationale

The Court extensively examined the nature and character of the office of Sajjadanashin and observed that it is fundamentally a spiritual and religious office involving guidance, preservation of traditions, and continuation of the spiritual lineage of the Dargah.

The Court distinguished the office of Sajjadanashin from that of a Mutawalli and held:

"The office of the mutawalli and Sajjadanashin cannot be said to be one and the same… Sajjadanashin is the spiritual head of Waqf and declaration of Sajjadanashin is a religious affair, however, role of Mutawalli of a Waqf only pertains to the administration and management of the Waqf."

The Court explained that although a Sajjadanashin may also discharge functions of a Mutawalli if appointed under Section 32(2)(g) of the Waqf Act, 1995, the converse is not true. A Mutawalli performs essentially secular and managerial duties relating to administration and management of Waqf property and cannot assume the religious and spiritual functions of a Sajjadanashin.

Examining the statutory framework of the Waqf Act, 1995, the Court observed that the powers of the Waqf Board primarily pertain to supervision, administration and management of Waqf properties and do not extend to adjudication of succession disputes concerning purely spiritual offices.

The Court held that neither the Waqf Act nor the jurisdiction conferred upon the Waqf Tribunal expressly excludes the jurisdiction of civil courts in disputes relating to succession to the office of Sajjadanashin.

The Court further noted that the earlier procedural history itself demonstrated that the matter had once been transferred to the Waqf Tribunal and later returned to the civil court, thereby reinforcing the position that such disputes do not exclusively fall within the Tribunal's jurisdiction.

On facts, the Court found that the petitioner's nomination through the *Khilafathnama* executed in 1981 was supported by evidence of religious ceremony and attestation by members of the fraternity, including persons connected with the Dargah administration.

The Court also strongly criticised the High Court for entertaining the objection regarding jurisdiction after nearly four decades of litigation when neither party had raised such objection before the trial court or the First Appellate Court.

The Court observed that the parties had already undergone a full-fledged trial and appellate adjudication and that reopening the question of jurisdiction at such a belated stage caused serious prejudice and undermined finality of judicial proceedings.

The Court therefore held that:

- The office of Sajjadanashin and Mutawalli are distinct in character and functions.
- Succession to the office of Sajjadanashin is essentially a religious and spiritual matter.

- Civil courts possess jurisdiction to adjudicate disputes relating to succession and appointment of Sajjadanashin.
- The High Court committed grave error in setting aside concurrent findings solely on jurisdictional grounds after decades of litigation.

Accordingly, the Supreme Court restored the decrees of the trial court and First Appellate Court and remitted the matter to the High Court for consideration on merits in accordance with law, excluding the issue of jurisdiction.

2. S. Balagopal v. State of T.N.; 2026 SCC OnLine SC 528

Decided on: 6 April 2026

Bench: 1. Hon’ble Mr. Justice Manoj Misra

2. Hon’ble Mr. Justice Pamidighantam Sri Narasimha

(Penal Code, 1860—Sections 88, 92, 120-B, 312, 325, 406, 426, 465, 468, 471 and 501—Criminal Procedure Code, 1973—Section 482—Medical negligence—Consent for surgery—Orchidopexy and Orchidectomy—Undescended testicle—Alternative medically justified procedure—Interpolation allegation in consent form—Absence of mala fide intention—Continuation of criminal proceedings amounts to abuse of process of law—Proceedings quashed.)

Facts

The case arose out of allegations concerning an allegedly unauthorised surgical procedure performed on a minor child suffering from undescended testicle.

The complainant-father admitted his one-and-a-half-year-old son for Orchidopexy, a surgical procedure intended to correct an undescended testicle. According to the complainant, consent had been granted only for Orchidopexy. However, during surgery, the operating surgeon performed Orchidectomy, i.e., removal of the testicle.

The complainant alleged that no consent had been obtained for Orchidectomy and further contended that the consent form had subsequently been interpolated to insert the expression “Orchidectomy”, thereby amounting to forgery.

Consequently, an FIR was registered against the operating surgeon under Sections 312, 325, 426, 120-B, 406, 465, 468, 471 and 501 IPC.

During the proceedings, the High Court directed constitution of a Medical Board, which opined that Orchidectomy was medically appropriate in the circumstances of the case, although parental consent ought to have been obtained specifically for the same. Despite the expert opinion, criminal proceedings continued against the surgeon.

Aggrieved thereby, the surgeon approached the Supreme Court seeking quashing of the criminal proceedings.

Issues

1. Whether performance of Orchidectomy instead of Orchidopexy without separate consent constituted a criminal offence.
2. Whether alleged interpolation in the consent form justified continuation of criminal proceedings against the surgeon.
3. Whether continuation of prosecution in the facts of the case amounted to abuse of process of law.

Judgment

The Supreme Court allowed the appeal and quashed the criminal proceedings against the operating surgeon.

The Court held that Orchidectomy was a medically recognised and justified alternative procedure in cases of undescended testicle and that the consent obtained for surgery sufficiently contemplated such a possibility.

The Court further held that mere allegation of interpolation in the consent form, in absence of evidence of mala fide intention or criminal conduct, could not justify continuation of criminal prosecution.

Rationale

The Court emphasised that the appellant was a qualified surgeon and his professional competence was not in dispute.

Referring to Sections 88 and 92 IPC, the Court reiterated that criminal law recognises exceptions for acts done in good faith for the benefit of a person, even where harm may incidentally result. The central issue was therefore not medical negligence, but whether there was absence of consent and whether the conduct disclosed criminal intent.

The Court carefully examined the Medical Board's opinion, which clearly stated that Orchidectomy is an accepted alternative procedure in cases involving undescended testicle, particularly to prevent future malignancy. The Medical Board had specifically opined that the procedure adopted by the surgeon was medically justified.

The Court observed:

"The operating surgeon is the best judge of which one of the two procedures is to be adopted."

The Court then analysed the consent form executed by the child's father. It noted that both "Orchidopexy" and "Orchidectomy" appeared in the same column separated by a slash, thereby indicating that the alternative procedure was within contemplation at the time of consent.

Importantly, the Court found no material suggesting fabrication or mala fide interpolation. There was no evidence of different ink, different handwriting, or any other suspicious circumstance demonstrating deliberate manipulation of the document.

While acknowledging that questions regarding interpolation ordinarily involve disputed questions of fact suitable for trial, the Court held that under Section 482 CrPC, the High Court and Supreme Court are empowered to intervene where continuation of proceedings would amount to abuse of process of law.

The Court observed that the medical evidence fully supported the surgeon's decision and there was no indication that the procedure had been performed for any improper purpose. In such circumstances, subjecting the surgeon to criminal prosecution would be wholly unjustified.

The Court further noted that criminal prosecution against medical professionals cannot be permitted merely because a different medical procedure was adopted during surgery, particularly where the procedure is medically recognised and undertaken in good faith for the patient's benefit.

Accordingly, the Court concluded that continuation of criminal proceedings against the surgeon would amount to abuse of the process of law and therefore deserved to be quashed.

3. Sivakumar v. State; 2026 SCC OnLine SC 529

Decided on: 6 April 2026

Bench: 1. Hon’ble Mr. Justice Manoj Misra

2. Hon’ble Mr. Justice Pamidighantam Sri Narasimha

(Penal Code, 1860—Sections 34, 294(b), 299, 304 Part II, 323, 324 and 302—Obscenity—Mere abusive language during quarrel does not amount to obscenity under Section 294(b) IPC—Boundary dispute between relatives—Sudden fight—Single blow—Common intention under Section 34 IPC—Culpable homicide not amounting to murder—Knowledge likely to cause death—Sentence reduction.)

Facts

The case arose out of a long-standing boundary dispute between close relatives regarding disputed property.

On 20 September 2014, the deceased was erecting a fence over the disputed property despite objections raised by the accused persons, who were children of the deceased’s late brother. This led to a sudden altercation between the parties.

During the incident, A-1 attacked with an aruval intending to assault the deceased. However, the blow was intercepted by PW-4, the deceased’s brother, who sustained injuries on his shoulder, leg and toe.

Thereafter, when the deceased intervened to rescue PW-4, A-2 struck the deceased on the head with a wooden log, causing him to fall unconscious. Subsequently, A-3 and A-4 allegedly assaulted the deceased and PW-4 with sticks before fleeing the scene.

The injured persons were taken to hospital. The deceased suffered a lacerated injury on the left parietal region of the scalp and later succumbed to the injuries during treatment.

The Trial Court acquitted A-3 and A-4 of all charges, while convicting A-1 under Section 324 IPC and A-2 under Section 325 IPC.

In appeal, the High Court additionally convicted A-1 and A-2 under Section 294(b) IPC and Section 304 Part II IPC, read with Section 34 IPC in respect of A-1. The High Court sentenced both accused to five years' rigorous imprisonment under Section 304 Part II IPC.

Aggrieved thereby, A-1 and A-2 approached the Supreme Court.

Issues

1. Whether mere use of abusive words during a quarrel amounts to "obscenity" punishable under Section 294(b) IPC.
2. Whether A-1 shared common intention with A-2 so as to attract Section 34 IPC for the offence under Section 304 Part II IPC.
3. Whether A-2's act amounted to culpable homicide under Section 304 Part II IPC.
4. Whether the sentence imposed upon A-2 required interference.

Judgment

The Supreme Court partly allowed the appeals.

The Court set aside the conviction of A-1 under Section 304 Part II read with Section 34 IPC and also quashed his conviction under Section 294(b) IPC. However, his conviction under Section 324 IPC was maintained and the sentence was reduced to the period already undergone.

The Court upheld the conviction of A-2 under Section 304 Part II IPC but reduced the sentence from five years' rigorous imprisonment to three years' rigorous imprisonment.

Rationale

The Court observed that the incident occurred suddenly during a heated quarrel arising out of a boundary dispute between close relatives and there was no evidence of premeditation.

The Court noted that the weapons used were not brought to the scene in advance but were picked up from the spot during the altercation. It was further observed that the deceased suffered only a single fatal blow on the head.

While examining the offence under Section 294(b) IPC, the Court analysed the concept of "obscenity" in the context of Section 292 IPC and held that obscenity must involve material appealing to prurient interests.

The Court held that mere use of abusive expressions during a heated altercation cannot automatically constitute obscenity punishable under Section 294(b) IPC.

The Court specifically observed that words such as "bastard", though abusive, are frequently used during emotional confrontations in modern society and do not by themselves satisfy the legal threshold of obscenity.

Accordingly, the conviction under Section 294(b) IPC was set aside.

With respect to applicability of Section 34 IPC against A-1, the Court found no evidence that A-1 shared any common intention with A-2 to cause the fatal injury to the deceased.

The Court noted that A-1's assault was directed towards PW-4 and not the deceased. The injuries caused by A-1 were not grievous in nature. Further, there was no evidence of exhortation, participation, or assistance by A-1 in the fatal assault committed by A-2.

In these circumstances, the Court held that it would be unsafe to attribute common intention to A-1 for the act committed by A-2.

Consequently, A-1's conviction under Section 304 Part II read with Section 34 IPC was set aside. However, since A-1 had caused injuries with a dangerous weapon, his conviction under Section 324 IPC was maintained.

As regards A-2, the Court upheld the finding that the offence committed by him amounted to culpable homicide punishable under Section 304 Part II IPC.

The Court reiterated:

"To convict an accused for commission of an offence punishable under Section 304 Part II IPC, it must be proved that the accused has committed culpable homicide as defined in Section 299 IPC."

The Court held that striking a forceful blow on the head with a wooden log resulting in skull fracture and brain injury clearly established knowledge that such an act was likely to cause death.

However, while considering sentence, the Court took note of several mitigating circumstances, namely:

- the incident arose out of a sudden quarrel;

- the parties were closely related;
- there was no premeditation;
- the weapon used was picked up from the spot; and
- only a single blow was inflicted.

Considering these circumstances, the Court held that the sentence of five years' rigorous imprisonment imposed upon A-2 was excessive and accordingly reduced the sentence to three years' rigorous imprisonment.

4. Maurice W. Innis v. Lily Kazrooni @ Lily Arif Shaikh; 2026 SCC OnLine SC 554

Decided on: 9 April 2026

Bench: 1. Hon'ble Mr. Justice Pankaj Mithal

2. Hon'ble Mr. Justice Prasanna B. Varale

(Code of Civil Procedure, 1908—Section 47—Execution of decree—Compromise decree—Executing Court—Jurisdiction—Executing Court cannot go beyond decree or modify its terms—Court bound to execute decree as passed unless decree is nullity—Impracticability or subsequent developments immaterial—Execution to be carried out strictly in terms and tenor of decree.)

Facts

The dispute related to non-agricultural land measuring 51R situated at Panchgani, Taluka Mahabaleshwar, District Satara, Maharashtra.

Originally, the plaintiff had purchased 97.12R of land. Out of this, 57R was sold to the defendant, while the plaintiff retained 40.12R. Subsequently, the defendant resold 6R back to the plaintiff, resulting in the plaintiff holding 46.12R and the defendant retaining 51R. The present dispute concerned the said 51R portion retained by the defendant.

The defendant had entered into a registered agreement to sell the disputed 51R land to the plaintiff on 17 April 2009. Upon failure to complete the transaction, the plaintiff instituted a suit seeking specific performance.

During pendency of the suit, the parties entered into a compromise dated 8 July 2017. Under the compromise, 10R of land was to remain common land for access purposes and the remaining 41R was to be equally divided between the parties. A survey was to determine the exact portions and valuation of constructions was to be carried out through a Government valuer.

A compromise decree dated 14 July 2017 was thereafter drawn. The decree specifically identified the portions allotted to each party and also directed execution of a sale deed in favour of the plaintiff upon payment of Rs. 10 lakhs, which amount had already been paid.

Subsequently, both parties initiated execution proceedings. While executing the decree, the Executing Court, by orders dated 19 July 2021 and 26 August 2021, altered the allocation of land contemplated under the compromise decree. The Executing Court justified the modifications on grounds that certain constructions were not as per sanctioned plans, some portions had already been sold to third parties, and exchange of portions as contemplated under the decree was impracticable.

A consequential order dated 11 October 2021 directing delivery of possession was also passed.

The plaintiff challenged these orders before the High Court, but the writ petition was dismissed. Aggrieved thereby, the plaintiff approached the Supreme Court.

Issues

1. Whether the Executing Court could modify the terms of a compromise decree while executing it.
2. Whether considerations such as impracticability, unauthorized constructions, or subsequent sale of portions of land justified alteration of the decree.
3. Whether the Executing Court exceeded its jurisdiction under Section 47 CPC.

Judgment

The Supreme Court allowed the appeal and held that the Executing Court had exceeded its jurisdiction by modifying the terms of the compromise decree.

The Court set aside the orders dated 19 July 2021, 26 August 2021 and the consequential order dated 11 October 2021, and directed the Executing Court to execute the decree strictly "in its terms and tenor."

Rationale

The Court examined Section 47 of the Code of Civil Procedure, 1908 and reiterated the settled principle that an Executing Court is empowered only to determine questions relating to execution, discharge, or satisfaction of the decree.

The Court emphasised that an Executing Court cannot go beyond the decree or alter its terms. Its duty is confined to enforcing the decree as it stands.

Relying upon Vasudev Dhanjibhai Modi v. Rajabhai Abdul Rehman, the Court reiterated that an executing court "cannot go behind the decree" and must execute it according to its tenor.

The Court further referred to Sunder Dass v. Ram Prakash and observed that the only recognised exception is where the decree is a nullity on account of inherent lack of jurisdiction. No such circumstance existed in the present case.

The Court found that the compromise decree clearly and unequivocally identified the portions of land allotted to each party. There was no dispute regarding the identity of the properties to be exchanged. Therefore, the Executing Court's role was limited to ensuring compliance with the decree and facilitating transfer of possession and execution of the sale deed.

The Supreme Court held that the reasons assigned by the Executing Court for modifying the decree, namely, impracticability of exchange, existence of unauthorized constructions, and prior sale of certain portions, were wholly immaterial.

The Court observed that such considerations could not authorise the Executing Court to substitute its own arrangement in place of the compromise recorded between the parties and embodied in the decree.

The Court also rejected reliance placed upon Jai Narain Ram Lundia v. Kedar Nath Khetan, clarifying that the said decision only permits resolution of disputes relating to identity of property or reciprocal obligations under the decree and does not authorise modification of the decree itself.

Accordingly, the Court concluded that the Executing Court had acted beyond its jurisdiction by substantially altering the compromise decree while purporting to execute it.

5. Phalodi Accident, In re; 2026 SCC OnLine SC 646

Decided on: 13 April 2026

Bench: 1. Hon'ble Mr. Justice J.K. Maheshwari

2. Hon'ble Mr. Justice Atul S. Chandurkar

(Constitution of India—Articles 21 and 142—Road safety and commuter protection—Right to safe passage and commuter safety recognised as integral facet of Article 21—Systemic negligence and infrastructural failures on National Highways—Unauthorised roadside encroachments, illegal parking, potholes, blackspots and absence of safety infrastructure—Nationwide interim directions issued for prevention of highway accidents and enforcement of highway safety standards.)

Facts

The proceedings arose from two tragic road accidents that occurred in November 2025, which compelled the Supreme Court to take suo motu cognizance of systemic failures affecting road safety on National Highways.

The first incident occurred on 2 November 2025 near Mathoda in Phalodi district, Rajasthan. A bus carrying pilgrims collided with a stationary trailer parked near an unauthorised roadside dhaba on the Bharatmala Expressway, resulting in the death of fifteen persons. Reports indicated the existence of multiple illegal dhabas, unsafe roadside encroachments, and improper parking of heavy vehicles along the highway stretch.

The second incident occurred on 3 November 2025 near Chevella in Rangareddy district, Telangana, on National Highway-163. A gravel-laden lorry attempting to avoid a pothole collided head-on with a State Road Transport Corporation bus, resulting in nineteen deaths, including that of a forty-day-old infant. Reports revealed absence of essential safety infrastructure such as streetlights, dividers, and adequate signage on the highway.

Taking note of these incidents in Phalodi Accident, In re, the Supreme Court recognised that such accidents reflected systemic negligence, administrative lapses, and infrastructural deficiencies amounting to grave infringement of the public's right to safe passage.

The Court thereafter sought reports from the National Highways Authority of India (NHAI), Ministry of Road Transport and Highways (MoRTH), and other concerned authorities regarding road conditions, unauthorised encroachments, illegal roadside establishments, highway safety mechanisms, and emergency response infrastructure.

Issues

1. Whether commuter safety and safe passage on highways form an integral facet of the right to life under Article 21 of the Constitution.
2. Whether systemic negligence, infrastructural deficiencies, illegal encroachments, and absence of highway safety measures violate constitutional obligations of the State.
3. What interim nationwide measures were necessary to prevent avoidable highway accidents and strengthen road safety infrastructure.

Judgment

The Supreme Court recognised commuter safety as an integral component of the right to life and dignity guaranteed under Article 21 of the Constitution. The Court held that the State bears a positive constitutional obligation to ensure safe road infrastructure and prevent avoidable highway fatalities.

Invoking its powers under Article 142, the Court issued extensive interim directions applicable across the country concerning highway surveillance, prohibition of illegal parking, removal of encroachments, operationalisation of Advanced Traffic Management Systems (ATMS), constitution of District Highway Safety Task Forces, construction of truck lay-bye facilities, emergency response infrastructure, identification of accident blackspots, installation of lighting and warning systems, and coordinated compliance mechanisms involving MoRTH, NHAI, State Governments, and other implementing agencies.

Rationale

The Court observed that National Highways constitute only a small proportion of the country's road network but account for a disproportionately high percentage of road fatalities. It emphasised that a road, particularly a high-speed expressway, cannot be allowed to become a "corridor of peril" due to administrative inaction or infrastructural inadequacies.

Recognising commuter safety as part of the constitutional guarantee under Article 21, the Court held that the right to life is not merely protection against unlawful deprivation of life but also imposes a positive obligation upon the State to create and maintain conditions necessary for preservation of human life and dignity. Avoidable deaths caused by illegal parking, unsafe road conditions, blackspots, potholes, and lack of safety infrastructure therefore amount to failure of the State's constitutional responsibilities.

The Court found that unauthorised dhabas, illegal roadside encroachments, unsafe parking of heavy vehicles, inadequate surveillance systems, poor lighting, and absence of emergency medical response mechanisms significantly contributed to highway fatalities. It further observed that lax enforcement and fragmented institutional coordination had aggravated these risks.

To address these systemic deficiencies, the Court issued comprehensive interim directions requiring strict prohibition of parking on carriageways, demolition of unauthorised structures within highway right-of-way zones, mandatory review of licences granted near highways, constitution of district-level highway safety task forces, and operationalisation of technology-based surveillance systems including cameras, speed detectors, and emergency response infrastructure.

The Court further directed construction of truck lay-bye facilities and Wayside Amenities at regular intervals to reduce unsafe roadside parking by commercial vehicles. Directions were also issued for identification and rectification of accident blackspots through installation of lighting systems, retro-reflective signage, warning markings, and speed enforcement mechanisms.

Emphasising that no financial or administrative constraint can outweigh the sanctity of human life, the Court held that strict and time-bound compliance with the issued directions was necessary to fulfil the constitutional mandate of protecting life and ensuring safe public infrastructure.

6. Dhananjay Rathi v. Ruchika Rathi; 2026 SCC OnLine SC 587

Decided on: 13 April 2026

Bench: 1. Hon'ble Mr. Justice Rajesh Bindal

2. Hon'ble Mr. Justice Vijay Bishnoi

(Constitution of India—Article 142(1)—Hindu Marriage Act, 1955—Sections 13(1)(i-a) and 13-B—Protection of Women from Domestic Violence Act, 2005—Mediated settlement—Withdrawal of consent in mutual divorce—Irretrievable breakdown of marriage—Party cannot resile from mediated settlement except on limited grounds such as fraud, force, undue influence or non-fulfilment of obligations—Domestic violence proceedings based on vague allegations liable to be quashed—Exercise of powers under Article 142 to dissolve marriage and quash pending proceedings.)

Facts

The appellant-husband and respondent-wife were married on 19 February 2000 according to Hindu rites and ceremonies. Two children were born from the marriage.

Due to temperamental differences and matrimonial discord, the parties began living separately during 2022-2023. The appellant thereafter instituted a divorce petition under Section 13(1)(i-a) of the Hindu Marriage Act, 1955 before the Family Court at Saket, New Delhi.

During the proceedings, the matter was referred to mediation on 13 July 2023. The parties subsequently entered into a settlement agreement resolving all disputes. Under the settlement, the parties agreed to dissolve the marriage by mutual consent under Section 13-B of the Hindu Marriage Act.

As per the settlement terms, the appellant-husband agreed to pay a total amount of Rs 1,50,00,000 towards full and final settlement in two instalments, along with Rs 14,00,000 towards purchase of a car and return of jewellery. The respondent-wife agreed to execute transfer documents and facilitate transfer of properties, shares, policies and other assets, including transfer of Rs 2,52,38,794 in favour of the appellant-husband.

Pursuant to the settlement, the appellant withdrew the earlier contested divorce petition and the parties jointly filed a petition for divorce by mutual consent. The Family Court allowed the first motion under Section 13-B(1) on 14 August 2024.

The appellant complied with part of the settlement by paying Rs 75,00,000, Rs 14,00,000 towards the car, and returning the jewellery. The respondent-wife also transferred Rs 2,52,38,794 to the appellant.

However, thereafter the respondent-wife withdrew her consent for mutual divorce and refused to proceed with the second motion. Subsequently, she initiated proceedings under Section 12 of the Protection of Women from Domestic Violence Act, 2005.

Aggrieved thereby, the appellant approached the High Court seeking quashing of the domestic violence proceedings and also initiated contempt proceedings alleging breach of settlement. The High Court permitted continuation of the domestic violence proceedings.

The appellant thereafter approached the Supreme Court seeking quashing of proceedings and dissolution of marriage under Article 142 of the Constitution.

Issues

1. Whether a party can withdraw from a mediated settlement agreement after partial compliance by both parties.
2. Whether the domestic violence proceedings initiated by the respondent-wife were liable to be quashed.
3. Whether the Supreme Court could exercise powers under Article 142(1) of the Constitution to dissolve the marriage on the ground of irretrievable breakdown.

Judgment

The Supreme Court exercised powers under Article 142(1) of the Constitution and dissolved the marriage on the ground of irretrievable breakdown.

The Court further quashed all proceedings initiated under the Domestic Violence Act and directed closure of all pending and future litigations arising out of the matrimonial dispute.

Rationale

The Court observed that the parties had voluntarily entered into a duly authenticated settlement agreement during mediation proceedings. Pursuant thereto, both parties had substantially acted upon the settlement by performing significant obligations.

The Court noted that although withdrawal of consent before grant of a decree under Section 13-B of the Hindu Marriage Act is legally permissible, a party cannot ordinarily resile from a mediated settlement except on limited grounds such as fraud, force, undue influence, or non-fulfilment of obligations by the opposite side.

The Court emphasised that mediated settlements constitute the foundation of alternative dispute resolution and once such settlements are duly authenticated and acted upon, parties cannot be permitted to casually withdraw from them. The Court observed that permitting arbitrary withdrawal would seriously undermine the efficacy and sanctity of mediation proceedings.

The Court found the allegations advanced by the respondent-wife wholly unconvincing. Her contention that additional jewellery and gold biscuits worth enormous amounts had been deliberately excluded from the settlement agreement to avoid tax liabilities was termed egregious and unsupported by any material.

While examining the domestic violence complaint, the Court found that the allegations were vague, omnibus and devoid of specific particulars regarding acts constituting domestic violence. Mere mention of names without attribution of active involvement was held insufficient to sustain criminal prosecution.

The Court observed that the respondent-wife had initiated proceedings under the Domestic Violence Act only after receipt of notice in the contempt proceedings and after nearly twenty-three years of marriage. This circumstance indicated that the proceedings were instituted as an afterthought to prolong litigation and harass the appellant.

Accordingly, the Court held that continuation of the domestic violence proceedings would amount to abuse of the process of law.

On the question of exercise of powers under Article 142(1), the Court reiterated that although irretrievable breakdown of marriage is not expressly recognised as a statutory ground under the Hindu Marriage Act, the Supreme Court possesses constitutional power to dissolve a marriage where the matrimonial bond has completely broken down and continuation of the relationship serves no meaningful purpose.

The Court observed that the parties had been living separately since 2022-2023, all efforts at reconciliation had failed, multiple litigations had arisen between the parties, and even the mediated settlement had collapsed despite substantial compliance.

Considering the totality of circumstances, the Court concluded that the marriage had irretrievably broken down beyond repair and there remained no possibility of peaceful cohabitation or reconciliation.

The Court therefore dissolved the marriage subject to compliance with the remaining settlement obligations and directed quashing of all pending civil and criminal proceedings between the parties and their family members arising out of the matrimonial dispute.

7. Canara Bank v. Kavita Chowdhary; 2026 SCC OnLine SC 591

Decided on: 15 April 2026

Bench: 1. Hon'ble Mr. Justice B.V. Nagarathna

2. Hon'ble Mr. Justice Ujjal Bhuyan

(Consumer Protection Act, 1986—Section 2(1)(g)—Consumer Protection Act, 2019—Sections 2(11) and 2(42)—Negotiable Instruments Act, 1881—Sections 64, 72, 75-A, 84, 85, 105 and 138—Banking services—Cheque collection—Delayed cheque presentation—Bank acting as agent of customer—Duty to exercise due diligence—Failure to present cheque within validity period without reasonable explanation amounts to negligence and deficiency in service—Compensation—NCDRC finding upheld with modification in quantum.).

Facts

The respondent maintained a savings bank account with the appellant bank. On 29 May 2018, the respondent deposited two CTS cheques issued by Assotech Limited and drawn on Vijaya Bank into her account with the appellant.

Initially, on 1 June 2018, the appellant credited the cheque amounts into the respondent's account. However, on the very same day, the amounts were debited with the endorsement "online cheque return". The respondent simultaneously received SMS alerts informing her that the cheques had been returned.

Subsequently, one cheque amount was again credited after deduction of collection charges, but was once more debited and ultimately returned with the endorsement "instrument outdated/stale". The same sequence occurred with the second cheque as well. The appellant deducted collection charges on both occasions.

The respondent alleged that the appellant negligently failed to present the cheques for collection within their validity period, thereby rendering the instruments stale. She further contended that due to delayed cheque presentation, she suffered financial loss and was deprived of remedies available under Section 138 of the Negotiable Instruments Act, 1881 against the drawer company.

Accordingly, the respondent filed a consumer complaint before the National Consumer Disputes Redressal Commission alleging deficiency in service. The NCDRC held the appellant liable and directed payment of compensation equivalent to 10 per cent of the cheque amount together with interest. Aggrieved thereby, the appellant approached the Supreme Court.

Issues

1. Whether delayed cheque presentation by a bank within the validity period of the cheque amounts to deficiency in service under consumer protection law.
2. Whether the delay in presentment was excusable under Section 75-A of the Negotiable Instruments Act, 1881 due to bank strike and connectivity failure.
3. Whether the compensation awarded by the NCDRC was reasonable.

Judgment

The Supreme Court upheld the finding of the NCDRC that the appellant bank was guilty of deficiency in service due to delayed cheque presentation within the validity period without any satisfactory explanation.

However, the Court modified the compensation awarded by the NCDRC and reduced it from 10 per cent to 6 per cent of the total cheque amount, together with interest at the rate of 6 per cent per annum from the date of filing of the complaint.

Rationale

The Court undertook a detailed examination of the statutory framework governing negotiable instruments and consumer protection law. It referred to Sections 5, 6, 7, 25, 30, 64, 72, 75-A, 84, 85, 105 and 138 of the Negotiable Instruments Act, 1881 to analyse the obligations attached to presentment and collection of cheques.

The Court observed that under Section 64 of the Negotiable Instruments Act, promissory notes, bills of exchange and cheques are required to be presented for payment by or on behalf of the holder. A bank receiving cheques for collection acts as the customer's agent and is therefore under a legal obligation to exercise due diligence in presenting the instruments within the prescribed validity period.

The appellant sought protection under Section 75-A of the Negotiable Instruments Act by contending that the delay occurred because of a bank strike and circumstances beyond its control. The Court accepted that delayed presentment may stand excused where the delay is attributable to circumstances beyond the control of the holder and not due to negligence or misconduct. However, the Court emphasised that once the cause of delay ceases, the instrument must be presented within a reasonable time.

The Court noted that the return memos disclosed that the cheques had been returned on account of “bank on strike”. Nevertheless, the Court found that the appellant failed to furnish any satisfactory explanation as to why the cheques were not re-presented on 2 June 2018, which was a working day and still within the validity period of the instruments.

Referring to Sections 84(2) and 105 of the Negotiable Instruments Act, the Court observed that “reasonable time” for presentment depends upon the nature of the instrument, banking usage, and the surrounding facts and circumstances. On the facts of the present case, the appellant failed to act with the diligence expected of a collecting banker.

The Court further examined the concept of “deficiency” under Section 2(1)(g) of the Consumer Protection Act, 1986 and Sections 2(11) and 2(42) of the Consumer Protection Act, 2019. It noted that the 2019 Act expanded and clarified the concept of deficiency by expressly including negligent acts or omissions causing loss or injury to consumers.

The Court also referred to *Consolidated Construction Consortium Ltd. v. Software Technology Parks of India*, (2025) 7 SCC 757, while discussing the principles governing compensation under Section 73 of the Contract Act, 1872 and the law relating to damages for breach of contractual obligations.

Applying these principles, the Court concluded that failure by the appellant bank to present the cheques within the validity period, despite availability of opportunity to do so, constituted negligence in discharge of banking duties and consequently amounted to deficiency in service under consumer protection law.

Regarding quantum of compensation, the Court observed that although the NCDRC’s approach in granting compensation equivalent to 10 per cent of the cheque amount was not wholly erroneous, the amount awarded appeared excessive because the actual loss suffered by the respondent remained indeterminate.

Balancing the equities, the Court reduced the compensation to 6 per cent of the cheque amount together with interest at the rate of 6 per cent per annum from the date of institution of the complaint.

8. Rahul Gupta v. Station House Officer; 2026 SCC OnLine SC 604

Decided on: 16 April 2026

Bench: 1. Hon'ble Mr. Justice Sanjay Kumar

2. Hon'ble Mr. Justice K. Vinod Chandran

(Dowry Prohibition Act, 1961—Sections 3 and 7(3)—Criminal Procedure Code, 1973—Sections 156(3), 161 and 397—Bharatiya Nyaya Suraksha Sanhita, 2023—Section 528—Dowry allegations—Prosecution for giving dowry—Statements made by complainant wife and her family members—Whether such statements can form sole basis for prosecuting "givers" of dowry—Protection under Section 7(3)—Persons aggrieved immune from prosecution on basis of their own statements—Absence of independent evidence—Second FIR—Permissibility.)

Facts

The dispute arose out of matrimonial discord between the petitioner-husband and his wife. The marriage between the parties was solemnised on 24 November 2007 at Raipur and three children were born from the wedlock.

The wife left the matrimonial home on 25 December 2021 and started residing with her parental family. Thereafter, she initiated divorce proceedings, while the husband filed a petition for restitution of conjugal rights.

Subsequently, an FIR came to be registered at Mahila Thana, Ambikapur, against the husband and his family members for offences punishable under Section 498-A of the Penal Code, 1860 and Section 3 of the Dowry Prohibition Act, 1961. In her statement recorded under Section 161 CrPC, the wife alleged that dowry had been demanded and paid before the marriage. Similar statements were also made by her family members. Upon completion of investigation, chargesheet was filed against the husband and his parents.

Relying upon the statements made by the wife and her relatives regarding giving of dowry, the petitioner-husband sought registration of a separate FIR against the wife and her family members under Section 3 of the Dowry Prohibition Act for the offence of "giving dowry".

As no FIR was registered, the petitioner filed an application under Section 156(3) CrPC before the Judicial Magistrate First Class. The Magistrate dismissed the application holding that permitting such prayer would amount to directing reinvestigation in the earlier FIR. The review application preferred thereafter was also dismissed.

A revision petition filed under Section 397 CrPC was rejected by the Sessions Court. Thereafter, the petitioner approached the Chhattisgarh High Court under Section 528 BNSS, but the petition was dismissed. Aggrieved thereby, the petitioner approached the Supreme Court by way of special leave petition.

Issues

1. Whether statements made by the complainant wife and her family members admitting giving of dowry could form the sole basis for prosecuting them under Section 3 of the Dowry Prohibition Act, 1961.
2. Whether the protection granted under Section 7(3) of the Dowry Prohibition Act bars prosecution of the complainant wife and her family members on the basis of their own statements.
3. Whether a second FIR could be directed to be registered in the facts of the present case.

Judgment

The Supreme Court dismissed the special leave petition and held that where the only material relied upon to allege the offence of giving dowry consists of statements made by the wife and her family members, they, being "persons aggrieved", are protected under Section 7(3) of the Dowry Prohibition Act and cannot be prosecuted on the basis of such statements.

The Court further held that in the absence of any independent evidence, no direction for registration of a separate FIR could be issued.

Rationale

The Court undertook an examination of the statutory framework of the Dowry Prohibition Act, 1961, particularly Sections 3 and 7(3).

The Court observed that Section 3 penalises both giving and taking of dowry. However, Section 7(3), which was inserted by way of amendment in 1986, expressly provides that a statement made by the "person aggrieved" shall not subject such person to prosecution under the Act.

The Court noted that the legislative intent behind insertion of Section 7(3) was to ensure that victims of dowry harassment are not deterred from approaching the authorities due to fear of prosecution. Referring to the recommendations of the Joint Parliamentary Committee, the Court observed that dowry givers are often compelled by social pressures and circumstances and therefore stand on a different footing from offenders.

The Court held that the entire case of the petitioner rested solely upon the complaint and statements of the wife and her family members recorded under Section 161 CrPC. No independent evidence whatsoever had been produced to substantiate the allegation of giving dowry.

In this backdrop, the Court held that Section 7(3) creates a complete statutory bar against prosecuting the complainant wife and her family members on the basis of their own statements. The Court observed:

"If both the giver and the taker are penalised, no giver of dowry can be expected to come forward to make a complaint, being under the threat of being prosecuted himself."

The Court further explained that where the only material relied upon to allege commission of offence under Section 3 consists of statements made by the wife and her relatives themselves, such statements cannot legally constitute the foundation for initiating criminal proceedings against them.

The Court also examined the permissibility of a second FIR. Referring to *Upkar Singh v. Ved Prakash*, (2004) 13 SCC 292, the Court reiterated that a second FIR may be maintainable where it presents a rival version, discloses a larger conspiracy, reveals previously unknown facts, or concerns a separate incident.

The Court further relied upon *State of Rajasthan v. Surendra Singh Rathore*, 2025 SCC OnLine SC 358, wherein principles governing registration of a second FIR were summarised.

However, the Court clarified that the present case did not satisfy any of those requirements because the petitioner was merely attempting to rely upon the very same allegations and statements already forming part of the original FIR.

The Court also considered *Neera Singh v. State (NCT of Delhi)*, 2007 SCC OnLine Del 294, and held that the said judgment had no precedential value as it was rendered without considering Section 7(3) of the Dowry Prohibition Act. The observations made therein were characterised as obiter and unnecessary for deciding the controversy in that case.

Applying the aforesaid principles, the Court concluded that permitting prosecution of the complainant wife and her family members solely on the basis of their own statements would defeat the very object of Section 7(3) and frustrate the protective framework of the Dowry Prohibition Act.

Accordingly, finding no illegality in the orders passed by the Magistrate, Sessions Court and the High Court, the Supreme Court dismissed the special leave petition.

9. Rahul Gupta v. Station House Officer; 2026 SCC OnLine SC 604

Decided on: 16 April 2026

Bench: 1. Hon'ble Mr. Justice Sanjay Kumar

2. Hon'ble Mr. Justice K. Vinod Chandran

(Dowry Prohibition Act, 1961—Sections 3 and 7(3)—Criminal Procedure Code, 1973—Sections 156(3), 161 and 397—Bharatiya Nyaya Suraksha Sanhita, 2023—Section 528—Dowry allegations—Whether complainant wife and her family can be prosecuted for "giving dowry" solely on basis of their own statements—Protection to aggrieved persons under Section 7(3)—Second FIR—Requirement of independent evidence—Statements of aggrieved persons cannot form sole basis for prosecution.)

Facts

The petitioner-husband and the respondent-wife were married on 24 November 2007 at Raipur, and three children were born out of the wedlock. Matrimonial disputes arose between the parties, following which the wife left the matrimonial home on 25 December 2021 and initiated divorce proceedings, whereas the husband filed a petition for restitution of conjugal rights.

Subsequently, an FIR was registered at Mahila Thana, Ambikapur, on the complaint of the wife against the husband and his family members under Section 498-A IPC and Section 3 of the Dowry Prohibition Act, 1961. In her statement under Section 161 CrPC, the wife alleged that dowry had been discussed and paid before marriage. Similar statements were also made by her family members.

Upon completion of investigation, a chargesheet was filed against the husband and his parents. Thereafter, the petitioner-husband sought initiation of criminal proceedings against the wife and her family members on the ground that their own statements disclosed commission of the offence of "giving dowry" punishable under Section 3 of the Dowry Prohibition Act.

The petitioner filed a complaint seeking registration of a separate FIR, but no action was taken. He then approached the Judicial Magistrate First Class under Section 156(3) CrPC, which application was dismissed. The review application and revision petition were also dismissed.

Thereafter, the petitioner approached the High Court under Section 528 BNSS, but the petition was rejected. Aggrieved thereby, the petitioner approached the Supreme Court.

Issues

1. Whether statements made by the wife and her family members admitting giving of dowry could form the sole basis for prosecuting them under Section 3 of the Dowry Prohibition Act, 1961.
2. Whether the protection under Section 7(3) of the Dowry Prohibition Act barred such prosecution.
3. Whether a second FIR could be directed in the absence of independent evidence.

Judgment

The Supreme Court dismissed the special leave petition and held that where the only material relied upon to allege the offence of "giving dowry" consists of the complaint and statements made by the wife and her family members, such persons are protected under Section 7(3) of the Dowry Prohibition Act and cannot be prosecuted on that basis.

The Court further held that in the absence of independent evidence, no direction for registration of a separate FIR could be issued against the wife and her family members.

Rationale

The Court examined the scheme and object of the Dowry Prohibition Act, 1961 and observed that although Section 3 penalises both giving and taking of dowry, Section 7(3), inserted through the 1986 amendment, creates a statutory immunity in favour of the "person aggrieved".

The Court observed that the legislative intent behind Section 7(3) was to ensure that victims compelled by social pressures to give dowry are not discouraged from approaching law enforcement authorities. The Court stated that:

"If both the giver and the taker are penalised, no giver of dowry can be expected to come forward to make a complaint, being under the threat of being prosecuted himself."

The Court noted that the entire case of the petitioner-husband rested solely upon the complaint and statements of the wife and her family members recorded under Section 161 CrPC. No independent evidence whatsoever had been produced to establish the alleged giving of dowry.

Interpreting Section 7(3), the Court held that statements made by an aggrieved person cannot be used as the foundation for prosecuting such person for the offence of giving dowry. Accordingly, the wife and her family members were entitled to statutory protection under Section 7(3).

The Court also examined the decision in *Neera Singh v. State (NCT of Delhi)*, 2007 SCC OnLine Del 294, and held that the said judgment lacked precedential value because it failed to consider Section 7(3) of the Dowry Prohibition Act and contained observations which were merely obiter.

On the issue of a second FIR, the Court referred to *Upkar Singh v. Ved Prakash*, (2004) 13 SCC 292 and *State of Rajasthan v. Surendra Singh Rathore*, 2025 SCC OnLine SC 358, wherein the principles governing permissibility of a second FIR were summarised. The Court reiterated that a second FIR may be maintainable in situations involving a rival version, discovery of new facts, larger conspiracy, or distinct incidents.

However, in the present case, since the petitioner relied only upon the statements of the alleged victims themselves and no independent evidence existed, the direction sought for registration of a second FIR was wholly unjustified.

The Court therefore affirmed the concurrent findings of the Magistrate, Sessions Court and High Court, and held that no cognizable offence warranting registration of a separate FIR was made out against the wife and her family members.

10. Shankar Mahto v. State of Bihar; 2026 SCC OnLine SC 606

Decided on: 16 April 2026

Bench: 1. Hon'ble Mr. Justice Sanjay Karol

2. Hon'ble Mr. Justice Nongmeikapam Kotiswar Singh

(Constitution of India—Articles 21, 39-A and 142—Legal aid—Delay in filing appeals and Special Leave Petitions—Right to access justice—Systemic reforms—Translation and transmission of judicial records—Binding timelines—Digitalisation—Role of NALSA, SCLSC and HCLSCs—Legal aid to prisoners—Monitoring and accountability—Standard Operating Procedure (SOP) for legal aid cases.)

Facts

The proceedings originated from an appeal filed by the appellant challenging the judgment of conviction and sentence of death confirmed by the Patna High Court on 20 February 2014.

While dealing with the matter, the Supreme Court noticed a recurring and serious issue of inordinate delay in filing appeals and Special Leave Petitions in legal aid matters, particularly on behalf of prisoners and indigent litigants.

To identify the causes of delay and suggest remedial measures, the Court appointed Senior Advocate Ms Vibha Datta Makhija as Amicus Curiae. Extensive consultations thereafter took place with various stakeholders including the Supreme Court Legal Services Committee (SCLSC), National Legal Services Authority (NALSA), High Court Legal Services Committees (HCLSCs), State authorities, prison authorities and the National Informatics Centre (NIC).

The Court found that delays frequently arose due to incomplete applications, delay in obtaining paperbooks and custody certificates, shortage of translators, delay by panel advocates, lack of digital coordination, and absence of real-time monitoring mechanisms.

The SCLSC placed before the Court detailed data and proposals regarding reforms, including digitisation of records, jail connectivity, translator cadres, online monitoring systems and institutional coordination mechanisms.

Pursuant thereto, a comprehensive Standard Operating Procedure (SOP) for Translation and Transmission of Records in legal aid matters was formulated by the Amicus Curiae after stakeholder consultations.

Issues

1. Whether systemic reforms were necessary to address delays in filing appeals and SLPs in legal aid matters.
2. Whether a uniform Standard Operating Procedure (SOP) should be institutionalised for translation and transmission of judicial records.
3. Whether binding timelines and accountability mechanisms were required to ensure timely access to justice for indigent litigants and prisoners.
4. Whether technological and institutional coordination measures were necessary for effective implementation of legal aid mechanisms.

Judgment

The Supreme Court accepted the Standard Operating Procedure (SOP) formulated by the Amicus Curiae and issued comprehensive directions institutionalising systemic reforms in legal aid administration.

The Court directed that the SOP be circulated to all High Courts for consideration and adoption, and further made the timelines prescribed under Heading 5 of the SOP binding upon all concerned authorities.

The Court also directed establishment of translator-related reforms, constitution of monitoring committees, implementation of digital coordination mechanisms, and appointment of a nodal officer under NALSA for effective supervision and compliance.

Rationale

The Court extensively discussed the constitutional philosophy underlying legal aid and access to justice.

The Court observed:

"In India, the concept of legal aid is closely tied to the vision expressed in the Preamble of the Constitution, which promises justice be it social, economic, and/or political, along with equality of status and opportunity."

The Court held that legal aid is not merely a welfare measure but a constitutional obligation flowing from Articles 21 and 39-A of the Constitution. The right to legal assistance and meaningful access to justice forms an essential component of fair procedure and rule of law.

Tracing the jurisprudential evolution of legal aid, the Court referred to decisions including *Sunil Batra v. Delhi Administration*, (1978) 4 SCC 494; *Hussainara Khatoon v. State of Bihar*, (1980) 1 SCC 81; *Madhav Hayawadanrao Hoskot v. State of Maharashtra*, (1978) 3 SCC 544; and *Khatri (II) v. State of Bihar*, (1981) 1 SCC 627.

The Court reiterated that prisoners and economically weaker sections cannot be denied meaningful access to justice merely because of poverty, illiteracy, incarceration or administrative inefficiencies.

Examining the material placed on record, the Court found serious systemic deficiencies in the legal aid framework, particularly delays in translation of records, communication gaps between institutions, absence of digital infrastructure, lack of accountability, and delayed filing of appeals and SLPs.

The Court noted that such delays directly affect valuable constitutional rights, especially in criminal cases involving life imprisonment or death sentence.

The Court therefore approved the Standard Operating Procedure (SOP) prepared by the Amicus Curiae, observing that it reflected comprehensive stakeholder deliberation and provided a structured mechanism for ensuring timely filing of legal aid matters.

The SOP classified cases into priority categories, prescribed mandatory timelines at every stage, and introduced institutional accountability mechanisms.

The Court accepted the following major reforms:

- Mandatory timelines for communication of judgments, collection of documents, translation, and filing of appeals/SLPs.
- Immediate initiation of translation work upon eligibility for legal aid.

- Creation of dedicated translator cadres in High Courts.
- Development of a unified digital platform under NALSA for real-time tracking and secure document exchange.
- Constitution of monitoring committees comprising Senior Advocates and officials.
- Regular coordination between jail authorities, HCLSCs, SCLSC and advocates.
- Introduction of structured delay-explanation formats in condonation applications.
- Establishment of legal aid kiosks and videoconferencing facilities in prisons.

The Court emphasised that the timelines prescribed in the SOP were mandatory and deviations would require documented justification and approval from the SCLSC.

The Court also expressed concern regarding lack of responsiveness and laxity on the part of certain authorities in complying with earlier directions and stressed the necessity of institutional discipline and accountability.

Accordingly, the Court directed:

- The SOP shall be circulated to all High Courts for consideration and adoption.
- Timelines prescribed under Heading 5 of the SOP shall be binding.
- Translator-related reforms shall be examined by High Courts within four weeks.
- Monitoring committees shall be constituted expeditiously.
- Digital coordination mechanisms and inter-agency communication systems shall be implemented.
- Delay-explanation formats shall be mandatorily incorporated.
- NALSA shall oversee creation of a unified digital platform and appointment of a nodal officer.
- Compliance reports shall be submitted by all High Courts.

The Court ultimately held that timely and effective legal aid is indispensable to constitutional governance and access to justice, particularly for prisoners and economically disadvantaged litigants.

11. Deeksha Amrutesh v. State of Karnataka; 2026 SCC OnLine SC 666

Ordered on: 16 April 2026

Bench: 1. Hon'ble Mr. Justice Surya Kant

2. Hon'ble Mr. Justice Joymalya Bagchi

3. Hon'ble Mr. Justice Vipul M. Pancholi

(Constitution of India—Articles 14, 15 and 21—Women representation in Bar Associations—Mandatory reservation—30% representation for women advocates—Compliance by Bar Associations—Judicial directions—Nomination of women members—Suspension of defaulting Bar Associations—Fresh elections—Administrative supervision by High Courts.)

Facts

The matter arose in continuation of earlier directions issued by the Supreme Court concerning mandatory representation of women advocates in Bar Associations across the country.

By order dated 24 March 2025, the Supreme Court had directed that 30% representation shall be ensured for women lawyers as Office Bearers and Executive Members in all Bar Associations, including District, Taluka and other specialised Bar Associations.

Subsequently, it was brought to the notice of the Court that several Bar Associations, including Tax, RERA, NGT and DRT Bar Associations, as well as Bar Associations functioning at sub-divisional levels, had either failed to implement or had inadequately implemented the directions.

On 16 January 2026, the Court sought status reports from the Registrar Generals of all High Courts regarding implementation of the 30% reservation mandate.

Thereafter, by order dated 13 March 2026, the Court noted that only 13 out of 25 High Courts had submitted compliance reports. The remaining High Courts were directed to ensure implementation of the reservation policy and submit reports within two weeks.

The Court had further directed that where the number of women advocates enrolled with a Bar Association fell short of 30%, the available women members may still serve on the governing body. Further, where sufficient women members existed but had not contested elections, District Judges were authorised to nominate women members to the executive committees of such Bar Associations.

On 17 April 2026, further time was sought for collating information as several Bar Associations had still failed to comply with the Court's directions.

Issues

1. Whether Bar Associations across India are bound to ensure 30% representation of women advocates in their governing or executive bodies.
2. Whether the Court could issue coercive directions against non-compliant Bar Associations.
3. Which authority should nominate women members in cases where women advocates do not contest elections or where there is shortfall in representation.

Judgment

The Supreme Court reiterated that 30% representation of women advocates in all Bar Associations across India is mandatory and binding.

The Court further held that Bar Associations failing to comply with or defying the Court's directions would be liable to suspension through judicial orders and fresh elections could be directed to be conducted.

The Court also modified its earlier directions regarding nomination of women members and held that such nominations shall now be made by the Administrative Judge/Portfolio Judge of the jurisdictional High Court in consultation with the concerned District and Sessions Judge, elected office bearers and senior-most women members of the concerned Bar Association.

Rationale

The Court reiterated that the object of its earlier orders was to secure meaningful and effective participation of women advocates in the administration and functioning of Bar Associations across the country.

The Court observed that despite repeated directions, several Bar Associations had failed to comply with the mandate of women representation. The Court therefore considered it necessary to issue a stern warning to ensure strict implementation.

The Court stated:

"Wherever the Bar Associations have failed to comply with, or shall be found to have defied, the directions issued hereinabove, such Bar Associations shall be liable to be suspended through a judicial order and fresh elections shall be directed to be conducted."

The Court emphasised that the directions applied uniformly to all categories of Bar Associations, including District, Taluka, specialised tribunals and High Court Bar Associations.

The Court further clarified that the purpose behind reservation was not symbolic representation but actual participation of women advocates in decision-making and governance of Bar Associations.

While modifying the earlier nomination mechanism, the Court held that entrusting nomination powers solely to District Judges may not sufficiently ensure effective implementation. Accordingly, it directed that nomination authority shall vest with the Administrative Judge/Portfolio Judge of the jurisdictional High Court, acting in consultation with relevant stakeholders.

The Court also clarified that the tenure of nominated women members would remain co-terminus with that of the elected office bearers and executive members.

The Court finally directed the Registrar Generals of all High Courts to communicate the order to all Bar Associations within their jurisdictions and submit compliance reports along with details of non-compliant or reluctant Bar Associations.

12. Pramod Shroff v. Mohan Singh Chopra; 2026 SCC OnLine SC 598

Decided on: 16 April 2026

Bench: 1. Hon'ble Mr. Justice Sanjay Karol

2. Hon'ble Mr. Justice Augustine George Masih

(Code of Civil Procedure, 1908—Sections 2(2) and 2(9)—Order 14 Rule 1(6)—Order 20 Rule 4—Ex parte civil suit—Specific performance—Framing of issues—Points for determination—Whether omission to frame issues vitiates ex parte proceedings—Requirement of reasoned judgment—Prejudice to parties—Opportunity to lead evidence.)

Facts

The appellant instituted a suit for specific performance of an agreement to sell before the City Civil Court at Calcutta.

The respondent-defendant, despite service of summons, failed to appear before the trial court and the suit proceeded ex parte. Eventually, the trial court dismissed the suit ex parte on the ground that the appellant had failed to establish the respondent's title over the suit property.

Aggrieved thereby, the appellant preferred an appeal before the High Court, which affirmed the judgment and decree of the trial court by judgment dated 21 January 2025.

The appellant thereafter approached the Supreme Court contending that neither the trial court nor the High Court framed any issue regarding the respondent's title and, therefore, the appellant had no notice that he was required to lead evidence on that aspect.

It was argued that absence of framing of issues deprived the appellant of an opportunity to establish the respondent's title and resulted in serious prejudice.

Despite service, the respondent remained unrepresented throughout the proceedings, including before the Supreme Court. The Supreme Court appointed an Amicus Curiae and directed efforts to inform the respondent regarding his right to legal representation, but the respondent still chose not to appear.

Issues

1. Whether absence of formal framing of issues vitiates ex parte proceedings.

2. Whether courts adjudicating ex parte suits are still required to identify and determine "points for determination".

3. What constitutes a legally sustainable judgment in an ex parte civil suit.

4. Whether omission to frame issues causing prejudice can vitiate the trial.

Judgment

The Supreme Court held that framing of issues in an ex parte suit is not mandatory in view of Order 14 Rule 1(6) CPC.

However, the Court further held that even in ex parte proceedings, courts are required to identify and determine the "points for determination" in accordance with Order 20 Rule 4 CPC and render a reasoned judgment thereon.

The Court held that where omission to frame issues causes prejudice to a party by depriving it of notice or opportunity to lead evidence on a material aspect, such omission can vitiate the trial.

Accordingly, the Supreme Court set aside the judgments of the trial court and the High Court and remanded the matter to the trial court for fresh adjudication after framing proper issues and granting opportunity to the parties to lead evidence.

Rationale

The Court examined the scheme of the Code of Civil Procedure, 1908 relating to framing of issues and preparation of judgments.

The Court noted that Section 2(9) CPC defines "judgment" as the statement given by the Judge on the grounds of a decree or order, whereas Section 2(2) CPC defines "decree" as the formal expression of adjudication conclusively determining rights of parties regarding matters in controversy.

The Court observed that Order 14 Rule 1(6) CPC specifically dispenses with the mandatory requirement of framing issues where the defendant does not contest the suit or fails to make a defence at the first hearing.

However, the Court clarified that absence of mandatory framing of issues does not absolve the court from its obligation to render a legally sustainable and reasoned judgment under Order 20 Rule 4 CPC.

The Court observed:

"Even when a defendant fails to appear or file a written statement, the court cannot dispense with the points for determination altogether."

Referring to *Makhan Lal Bangal v. Manas Bhunia*, (2001) 2 SCC 652, the Court reiterated that framing of issues is a crucial stage in civil proceedings as it narrows the controversy between the parties and identifies the precise questions requiring adjudication.

The Court further relied upon *Maya Devi v. Lalta Prasad*, (2015) 5 SCC 588, wherein it was held that even in ex parte proceedings, the court must independently satisfy itself regarding the factual and legal correctness of the plaintiff's claim before passing a decree.

Explaining the expression "points for determination", the Court held that such points essentially correspond to legal and factual issues arising from the pleadings and evidence. They ensure that the court addresses every material controversy and provides reasons for its conclusions.

The Court clarified that even in ex parte or default proceedings, the court must formulate and answer the material points arising in the case. Merely granting or refusing relief because of absence of the defendant would amount to material irregularity.

The Court further laid down the test for determining whether omission to frame issues has caused prejudice:

1. Whether the party had knowledge that a particular question was in issue; and
2. Whether the party had an opportunity to lead evidence on that question.

Applying the aforesaid principles to the present case, the Court noted that the essential ingredients of a suit for specific performance were otherwise present, namely:

- existence of a valid contract;
- breach by the defendant; and
- readiness and willingness of the plaintiff.

However, the suit was dismissed solely on the ground that the respondent's title over the property had not been established.

The Court found that:

- no issue regarding title had been framed;
- no point for determination regarding title was identified;
- there was no pleading disputing the respondent's title; and
- the appellant was never put to notice that evidence regarding title was required.

Therefore, the appellant suffered clear prejudice because he was denied an opportunity to lead evidence on a material aspect that ultimately formed the basis of dismissal of the suit.

The Court consequently held that the judgments of the trial court and High Court failed to satisfy the requirements of a valid judgment under the CPC.

Accordingly, the matter was remanded to the trial court with directions to frame proper issues and provide opportunity to the parties to lead evidence before deciding the suit afresh.

13. Illegal Sand Mining in the National Chambal Sanctuary and Threat to Endangered Aquatic Wildlife, In re; 2026 SCC OnLine SC 631

Decided on: 17 April 2026
Bench:

1. Hon'ble Mr. Justice Vikram Nath
2. Hon'ble Mr. Justice Sandeep Mehta

(Environment Law—Illegal sand mining—Protection of National Chambal Gharial Sanctuary—Article 21—Environmental protection as constitutional imperative—Rampant illegal mining causing ecological degradation and threat to endangered Gharials—Failure of State machinery and inadequate enforcement infrastructure—Strengthening of surveillance and monitoring framework—Comprehensive directions issued for CCTV surveillance, GPS tracking, joint patrol teams, SOPs, environmental compensation, and inter-State coordination.)

Facts

The proceedings arose out of the Supreme Court's suo motu cognizance concerning rampant illegal sand mining within the National Chambal Gharial Sanctuary, which was causing severe ecological degradation and threatening the habitat of endangered Gharials and other aquatic wildlife.

The interlocutory applications before the Court highlighted disturbing developments, including the murder of forest guards in Madhya Pradesh and Rajasthan and the adverse impact of illegal sand mining on the structural integrity of an inter-State bridge over the Chambal River stretch.

The Court noted that despite repeated judicial and administrative directions, illegal sand mining continued unabated within the protected sanctuary area. The States of Madhya Pradesh, Rajasthan, and Uttar Pradesh were alleged to have failed in effectively curbing organised and violent illegal mining operations.

Affidavits placed before the Court further revealed that enforcement personnel, particularly forest officials, lacked adequate equipment and weaponry to effectively confront the organised sand mafia, who were allegedly operating with superior vehicles, arms, and logistical support.

Considering the magnitude of ecological damage and institutional failure, the Court examined the necessity for a coordinated, technology-driven, and enforceable monitoring framework to combat illegal sand mining activities.

Issues

1. Whether rampant illegal sand mining within the National Chambal Gharial Sanctuary constituted a violation of environmental protection obligations and Article 21 of the Constitution.
2. Whether the States concerned had failed to discharge their constitutional and statutory duties in preventing ecological degradation and unlawful mining activities.
3. What immediate and effective measures were required to strengthen surveillance, enforcement, and inter-State coordination against illegal sand mining.

Judgment

The Supreme Court held that protection of natural resources and fragile ecosystems forms an integral facet of the constitutional guarantee under Article 21 and is a constitutional imperative.

Invoking powers under Article 142 of the Constitution, the Court issued extensive directions to the States of Madhya Pradesh, Rajasthan, and Uttar Pradesh for strengthening surveillance, monitoring, enforcement, inter-State coordination, and environmental restoration measures in relation to illegal sand mining activities within and adjoining the National Chambal Gharial Sanctuary.

The Court directed installation of high-resolution CCTV surveillance systems, mandatory GPS tracking of mining vehicles and machinery, constitution of joint police-forest patrol teams, creation of district-level control rooms, formulation of coordinated Standard Operating Procedures (SOPs), seizure and prosecution of violators, and recovery of environmental compensation based on the "Polluter Pays" principle.

Rationale

The Court reiterated that unregulated extraction of sand and minor minerals causes serious disruption to riverine ecosystems by degrading riverbeds, destabilising sediment composition, depleting groundwater reserves, increasing flood vulnerability, and damaging aquatic biodiversity and riparian habitats.

The Bench observed that the ever-increasing demand for construction materials had given rise to organised illegal sand mining operations functioning with little regard for the rule of law. The continued mining activities within a protected wildlife sanctuary aggravated the gravity of the ecological crisis and posed a direct threat to the conservation of endangered Gharials.

The Court strongly criticised the "lackadaisical" and apathetic approach adopted by the State authorities despite repeated warnings and directions. It held that failure of the States to effectively prevent illegal mining, protect enforcement personnel, and preserve ecological integrity amounted to abdication of constitutional and statutory responsibilities.

The Court expressed serious concern regarding disclosures that forest officials lacked adequate arms, surveillance equipment, communication systems, and operational support to counter organised mining syndicates. It observed that such institutional inadequacies emboldened criminal actors and eroded public confidence in governance and rule of law.

Emphasising the urgent need for a robust and technology-driven monitoring framework, the Court directed installation of high-resolution Wi-Fi enabled CCTV cameras at vulnerable river stretches and mining routes, with live feeds placed under direct supervision of district police and forest authorities. Directions were also issued for pilot implementation of mandatory GPS tracking systems in mining vehicles and machinery operating in Morena district of Madhya Pradesh and Dholpur district of Rajasthan, with possible expansion to adjoining districts based on effectiveness.

The Court further directed constitution of fully equipped joint patrol teams comprising police and forest officials, deployment of adequate armed personnel, establishment of district-level control rooms for real-time surveillance monitoring, and formulation of coordinated inter-State SOPs for interception, seizure, arrest, and emergency response in cases involving organised and violent illegal mining operations.

Reaffirming the "Polluter Pays" principle, the Court directed State Pollution Control Boards and concerned authorities to initiate scientific, transparent, and time-bound proceedings for assessment and recovery of environmental compensation from violators to facilitate ecological restitution and deterrence.

The Court cautioned that any dereliction of duty, negligence, or non-compliance with its directions would invite personal accountability and possible contempt proceedings against erring officers. It ultimately held that protection of fragile ecosystems and natural resources is not merely a statutory obligation but a constitutional imperative flowing from Article 21 and the rule of law.

14. NagreeKa Indcon Products (P) Ltd. v. Cargocare Logistics (India) (P) Ltd.; 2026 SCC OnLine SC 630

Decided on: 17 April 2026

Bench: 1. Hon'ble Mr. Justice Sanjay Karol

2. Hon'ble Mr. Justice Nongmeikapam Kotiswar Singh

(Arbitration and Conciliation Act, 1996—Section 11—Arbitration agreement—Interpretation of arbitration clause—Use of expression "can" in arbitration clause—Whether mandatory or optional—"Can" denotes mere possibility and not binding obligation—Arbitration founded on mutual consent and party autonomy—Clause requiring future consent not enforceable arbitration agreement—Appeal dismissed.).

Facts

The appellant, engaged in manufacturing aluminium foil containers and kitchen rolls, entered into a commercial arrangement with M/s American Alupack Industries for supply of corrugated boxes. For transportation of the goods to South Carolina, USA, the appellant engaged the respondent logistics company for a consideration inclusive of freight and related charges.

The consignment consisted of six containers. While four containers were delivered without dispute, controversy arose regarding the fifth container. The respondent allegedly delivered the goods to the consignee without insistence on production of the original bill of lading and without receipt of payment, resulting in alleged financial loss to the appellant.

The appellant raised a dispute against the respondent alleging wrongful delivery. The respondent denied liability and asserted that delivery without production of the original bill of lading was consistent with prior commercial practice between the parties.

Clause 25 of the bill of lading, captioned "Arbitration", provided that disputes "can be settled by arbitration" in India or at a mutually agreed place. Relying on this clause, the appellant invoked arbitration and sought appointment of a sole arbitrator under Section 11 of the Arbitration and Conciliation Act, 1996.

The respondent opposed the application contending that the clause did not create a binding obligation to arbitrate. The Bombay High Court accepted the objection and held that the clause merely contemplated the possibility of arbitration and did not constitute an enforceable arbitration agreement. Aggrieved thereby, the appellant approached the Supreme Court.

Issues

1. Whether a dispute resolution clause stating that disputes "can be settled by arbitration" constitutes a binding arbitration agreement under the Arbitration and Conciliation Act, 1996.
2. Whether the use of the expression "can" in an arbitration clause mandates compulsory reference of disputes to arbitration.
3. Whether an arbitration clause requiring further consent of parties can be treated as a valid and enforceable arbitration agreement.

Judgment

The Supreme Court dismissed the appeal and upheld the judgment of the Bombay High Court.

The Court held that the use of the expression "can" in Clause 25 merely indicated a future possibility of referring disputes to arbitration and did not create a binding or mandatory arbitration agreement. Consequently, arbitration could not be compelled in the absence of fresh mutual consent between the parties.

Rationale

The Court reiterated that arbitration is fundamentally founded upon mutual consent and party autonomy. Jurisdiction of an arbitral tribunal emanates exclusively from the agreement between parties, and arbitration cannot be imposed absent a clear and binding intention to arbitrate.

The Court observed that at the stage of Section 11 proceedings, the judicial inquiry is confined to determining the prima facie existence of a valid arbitration agreement. Although detailed adjudication is unnecessary, the Court must nevertheless ascertain whether the clause reflects a definitive and enforceable intention to submit disputes to arbitration.

Interpreting the word "can", the Court held that the expression denotes capability or possibility and not compulsion or obligation. In contractual interpretation, words deliberately chosen by parties must be accorded their ordinary grammatical meaning. The Court contrasted the expression "can" with expressions such as "shall", which ordinarily denotes mandatory obligation, and "may", which generally signifies discretion.

Applying settled principles of contractual interpretation, the Court held that the arbitration clause merely contemplated arbitration as one possible mode of dispute resolution and did not prescribe arbitration as the exclusive or binding mechanism. The clause therefore lacked the essential attribute of a binding commitment to arbitrate disputes.

The Court relied upon *K.K. Modi v. K.N. Modi*, (1998) 3 SCC 573; *Bihar State Mineral Development Corpn. v. Encon Builders (I) (P) Ltd.*, (2003) 7 SCC 418; *M.P. Rajya Tilhan Utpadak Sahakari Sangh Maryadit v. Modi Transport Service*, (2022) 14 SCC 345; and *Alchemist Hospitals Ltd. v. ICT Health Technology Services India (P) Ltd.*, 2025 SCC OnLine SC 2354, to reiterate that a valid arbitration agreement must disclose a clear intention to refer disputes to a binding adjudicatory mechanism whose decision would be enforceable in law.

The Court characterised the impugned clause as an "agreement to agree" in future rather than a presently enforceable arbitration agreement. Since the clause contemplated the necessity of future consensus between the parties before arbitration could commence, it lacked the certainty and finality required under the Arbitration and Conciliation Act, 1996.

Emphasising the centrality of party autonomy in arbitration law, the Court held that alternative dispute resolution mechanisms can operate only when parties consciously and unequivocally choose arbitration as the forum for adjudication. The freedom of parties extends not merely to the selection of arbitration as a dispute resolution mechanism but also to the choice of forum, applicable law, and procedural framework.

Accordingly, the Court concluded that the possibility of arbitration remained open to the parties, but disputes could be referred to arbitration only upon fresh agreement between them. Since no such consensus existed, the Section 11 application was rightly rejected.

15. Pawan Garg v. South Delhi Municipal Corporation; 2026 SCC OnLine SC 644

Decided on: 20 April 2026

Bench: 1. Hon'ble Mr. Justice Vikram Nath

2. Hon'ble Mr. Justice Sandeep Mehta

(Municipal Corporation—Layout Plan—De-reserved land—Municipal records—Entries in property register—No conferment of title—Civil court decree attaining finality—Scope of Letters Patent Appeal—High Court cannot travel beyond limited scope of adjudication—Public purpose reservation deleted by revised layout plan—Direction to consider incorporation of plots in layout plan restored.)

Facts

The dispute concerned land measuring 1600 sq. yards situated in Green Park Extension Colony, New Delhi. Originally, the land formed part of a larger tract owned by Urban Improvement Company (P) Ltd., which had submitted a layout plan sanctioned by the Municipal Corporation of Delhi (MCD) on 3 September 1958. In the sanctioned layout plan, the subject land was reserved for construction of a High School.

Subsequently, a revised layout plan was sanctioned whereby the reservation for the High School was deleted on the ground that the available area was insufficient for establishment of the school. The lands reserved for park and primary school continued to remain reserved. The de-reservation attained finality and was never challenged.

Thereafter, by registered sale deeds dated 18 June 1975, the coloniser sold the subject land to various purchasers. Upon interference by the MCD, the purchasers instituted civil suits seeking permanent injunction. The civil court decreed the suits on 1 October 1988 and restrained the MCD from interfering with the possession of the purchasers except in accordance with due process of law. Appeals preferred by the MCD were dismissed up to the High Court.

Subsequently, the land changed hands through further registered conveyances, ultimately vesting in the appellants. The appellants and their predecessors remained in possession of the land.

The appellants later applied for incorporation of the plots in the layout plan of the colony. Although the Layout Scrutiny Committee initially approved the proposal subject to certain clearances, the request was ultimately rejected by the MCD on the basis of entries in the municipal immovable property register and departmental reports.

Aggrieved thereby, the appellants filed a writ petition before the Delhi High Court. The learned Single Judge allowed the petition and directed reconsideration of the appellants' application for incorporation of the plots in the layout plan. However, the Division Bench, in a letters patent appeal, reversed the Single Judge's order and observed that the land ought to remain reserved for public purpose. Aggrieved thereby, the appellants approached the Supreme Court.

Issues

1. Whether entries in municipal property records confer title upon the Municipal Corporation over the disputed land.
2. Whether the Division Bench of the High Court erred in examining issues relating to title and public purpose despite the existence of a binding civil court decree.
3. Whether the de-reserved land could still be treated as land earmarked for public purpose.
4. Whether the direction issued by the learned Single Judge requiring reconsideration of the appellants' application for incorporation in the layout plan was justified.

Judgment

The Supreme Court allowed the appeal and set aside the judgment of the Division Bench of the Delhi High Court.

The Court restored the order passed by the learned Single Judge directing the respondent-Corporation to reconsider the appellants' application for incorporation of the plots in the colony layout plan within sixty days by passing a reasoned and speaking order.

Rationale

The Court held that the decree of permanent injunction passed by the civil court on 1 October 1988 had attained finality and conclusively protected the possession of the appellants' predecessors against interference by the MCD except in accordance with law.

The Court observed that the MCD never established title over the subject land before any competent forum. The only basis relied upon by the Corporation was an entry in its immovable property register. The Court categorically held that a mere entry in municipal records does not confer title.

The Court noted that the appellants and their predecessors had remained in uninterrupted possession of the land for decades pursuant to valid registered conveyances. In these circumstances, the Division Bench erred in making observations which effectively unsettled the binding civil court decree and indirectly cast doubt upon the appellants' title.

The Court further rejected the reasoning adopted by the Division Bench that the land ought to remain available for public purpose because it was originally reserved for a High School in the layout plan. The Court emphasised that the reservation for the High School had already been deleted in the revised layout plan as early as 1969 and the de-reservation had attained finality without challenge.

The Court held that once the land stood de-reserved, there was no material to conclude that it continued to retain the character of land earmarked for public purpose. The Court observed that the Corporation could not retrospectively revive a reservation which no longer existed in law.

The Court further observed that the issues of title and public purpose were never raised by the MCD in the earlier civil proceedings. Consequently, the Division Bench travelled beyond the permissible scope of adjudication in the letters patent appeal by entering into such questions.

The Supreme Court reiterated that the scope of the letters patent appeal was confined only to examining the correctness of the direction issued by the learned Single Judge, which merely required the Corporation to consider the appellants' request for incorporation of the plots in the layout plan.

Finding no infirmity in the Single Judge's direction, the Court restored the same and directed the respondent-Corporation to reconsider the appellants' application independently and uninfluenced by observations made either by the Division Bench or by the Supreme Court itself.

16. Sathyan Naravoor v. Union of India and Others; 2026 SCC OnLine SC 560

Decided on: 21 April 2026

Bench: 1. Hon'ble Mr. Justice Vikram Nath

2. Hon'ble Mr. Justice Sandeep Mehta

(Constitution of India—Articles 14 and 21—Rights of prisoners with disabilities—Implementation of Rights of Persons with Disabilities Act, 2016—Institutional safeguards in prisons—Need for structured and uniform compliance mechanism—High-Powered Committee constituted in Suhas Chakma empowered to oversee implementation—Directions issued regarding accessibility, grievance redressal, assistive devices, inclusive education, monitoring, and compliance by States and Union Territories.)

Facts

The writ petition raised significant concerns regarding the rights, conditions of detention, and institutional safeguards available to prisoners with disabilities across prison systems in the country. The petitioner sought effective implementation of the Rights of Persons with Disabilities Act, 2016 (RPwD Act) and enforcement of constitutional guarantees of dignity, equality, and non-discrimination within custodial institutions.

Earlier, by order dated 2 December 2025, the Supreme Court had observed that the grievances raised in the present proceedings substantially overlapped with the directions issued in L. Muruganantham v. State of Tamil Nadu. In that decision, the Court had laid down a comprehensive framework for safeguarding the rights of prisoners with disabilities, including identification of disabled prisoners upon admission, provision of accessible infrastructure, healthcare facilities, assistive devices, sensitisation and training of prison staff, accessibility audits, disability-related data maintenance, inclusive prison manuals, monitoring mechanisms, and periodic compliance reporting.

In addition to the directions issued in L. Muruganantham, the Court had directed all States and Union Territories to establish independent grievance redressal mechanisms for disabled prisoners, ensure access to inclusive education, extend the applicability of Section 89 of the RPwD Act to prison establishments, formulate institutional mechanisms for assistive devices and support equipment, and provide enhanced visitation rights to prisoners with benchmark disabilities.

When the matter was subsequently taken up on 8 April 2026 for examining compliance, it was brought to the notice of the Court that only twelve States and Union Territories had filed compliance affidavits.

Considering the nature and scale of the issues involved, the Court examined whether the concerns could be more effectively addressed through the High-Powered Committee constituted in Suhas Chakma v. Union of India.

Issues

1. Whether the constitutional guarantees under Articles 14 and 21 and the mandate of the RPwD Act, 2016 were being effectively implemented in prisons across the country.
2. Whether a structured, continuous, and expert-driven institutional mechanism was required to ensure implementation of safeguards for prisoners with disabilities.
3. Whether the High-Powered Committee constituted in Suhas Chakma should be entrusted with oversight and monitoring of issues concerning disabled prisoners.

Judgment

The Supreme Court held that the issues raised in the present proceedings required a coordinated, structured, and expert-driven mechanism for effective implementation. The Court expanded the mandate of the High-Powered Committee constituted in Suhas Chakma v. Union of India to include examination and monitoring of institutional safeguards for prisoners with disabilities across all prisons in the country.

Comprehensive directions were issued requiring active participation of authorities from the Union Government and all States and Union Territories before the High-Powered Committee, filing of compliance affidavits, formulation of action plans regarding assistive devices and accessibility, and submission of a consolidated status report before the Supreme Court.

Rationale

The Court emphasised that prisoners with disabilities continue to enjoy the guarantees of dignity, equality, and substantive justice under Articles 14 and 21 of the Constitution.

Incarceration does not extinguish constitutional protections, and prison administration must adopt a humane and rights-based approach consistent with the RPwD Act, 2016.

The Court observed that despite earlier directions issued in L. Muruganantham, effective compliance across States and Union Territories remained inadequate, as evidenced by the failure of most jurisdictions to file compliance reports. This demonstrated the need for a centralised and specialised monitoring mechanism capable of ensuring uniform implementation and accountability.

The Bench held that the High-Powered Committee constituted in Suhas Chakma was institutionally suited to undertake a holistic assessment of statutory frameworks, prison practices, infrastructural deficiencies, and accessibility standards concerning disabled prisoners. Entrusting the matter to the Committee would avoid fragmentation of proceedings and facilitate coordinated implementation of constitutional and statutory obligations throughout the country.

The Court further observed that the Committee would be able to undertake periodic review, evolve practical solutions accounting for administrative and security concerns, and engage with expert bodies, civil society organisations, and disability rights stakeholders. Such a mechanism would strengthen institutional accountability while ensuring meaningful access to justice and humane treatment for prisoners with disabilities.

Reaffirming the constitutional commitment to dignity and equality, the Court held that prison authorities are duty-bound to faithfully implement measures relating to accessible infrastructure, grievance redressal, inclusive education, assistive devices, enhanced visitation rights, and reasonable accommodation for prisoners with disabilities.

17. Om Prakash Chhawnika v. State of Jharkhand; 2026 SCC OnLine SC 676

Decided on: 23 April 2026

Bench: 1. Hon'ble Mr. Justice J.B. Pardiwala

2. Hon'ble Mr. Justice Ujjal Bhuyan

(Criminal Procedure Code, 1973—Sections 87, 200, 202 and 438—Anticipatory bail—Complaint cases—Power of High Court while rejecting anticipatory bail—Direction to surrender and seek regular bail—Jurisdiction—Held, High Court cannot direct surrender while rejecting anticipatory bail—In private complaint cases, accused ordinarily required only to appear pursuant to summons—Police have no power to arrest during inquiry under Section 202 CrPC—Directions issued to High Courts of Bihar and Jharkhand.)

Facts

The case arose out of a land dispute between the petitioner and the complainant. A private complaint was instituted alleging commission of offences punishable under Sections 323, 420, 467, 468, 471, 120B and 34 of the Penal Code, 1860.

Apprehending arrest, the petitioner approached the Jharkhand High Court seeking anticipatory bail under Section 438 of the Criminal Procedure Code, 1973. The High Court declined to grant anticipatory bail and further directed the petitioner to surrender before the trial court and seek regular bail.

Aggrieved by the direction compelling surrender, the petitioner approached the Supreme Court by way of special leave petition.

Issues

1. Whether the High Court, while rejecting an application for anticipatory bail, can direct the accused to surrender before the trial court and seek regular bail.
2. Whether anticipatory bail applications are ordinarily maintainable in private complaint cases where only summons have been issued.
3. Whether police possess power to arrest an accused during inquiry conducted under Section 202 CrPC pursuant to a private complaint.

Judgment

The Supreme Court held that the direction issued by the Jharkhand High Court requiring the petitioner to surrender before the trial court and seek regular bail was wholly without jurisdiction.

The Court clarified that while a Court may reject an anticipatory bail application, it has no authority to compel the accused to surrender.

The Court further observed that in private complaint proceedings, once cognisance is taken and summons are issued, the accused is ordinarily only required to appear before the concerned court and participate in the proceedings.

Rationale

The Court expressed concern over the recurring practice in the States of Bihar and Jharkhand where anticipatory bail applications are routinely filed even in private complaint matters where no coercive process warranting apprehension of arrest has been issued.

The Court observed that in a private complaint, after cognisance is taken and process is issued, the normal course is issuance of summons. Unless the Magistrate simultaneously issues a non-bailable warrant, there ordinarily exists no occasion for the accused to apprehend arrest and seek anticipatory bail.

Interpreting Section 87 CrPC, the Court reiterated that issuance of a warrant in lieu of or in addition to summons is permissible only in limited contingencies, namely:

(a) where the Court has reason to believe that the accused has absconded or would not obey the summons; or

(b) where the accused fails to appear despite proper service of summons and offers no sufficient excuse.

The Court emphasised that these statutory safeguards reflect the legislative intent that coercive processes should not be issued mechanically in complaint cases.

The Court further explained the distinction between police investigation and inquiry under Section 202 CrPC. Referring illustratively to proceedings under Sections 200 and 202 CrPC, the Court observed that where a Magistrate postpones issuance of process and seeks a police report during inquiry under Section 202, the police do not acquire power to arrest the accused.

Such inquiry is limited in scope and intended only to assist the Magistrate in deciding whether sufficient grounds exist for proceeding further.

The Court categorically clarified that police possess no power of arrest during inquiry under Section 202 CrPC. Consequently, mere pendency of such inquiry cannot furnish a legitimate basis for apprehension of arrest so as to justify anticipatory bail proceedings.

The Court noted that unnecessary entertainment of anticipatory bail applications in complaint cases results in avoidable litigation reaching superior courts. The High Courts were therefore requested to keep these legal principles in mind while dealing with such matters.

Holding the impugned direction to surrender as legally unsustainable, the Court directed that a copy of the order be forwarded to the High Courts of Bihar and Jharkhand. The Court also requested the State authorities to appropriately sensitise the concerned officials regarding the legal position.

Since the trial in the present case had already commenced, the Court refrained from issuing any further directions.

18. Aruna Kumari v. Economic Offences Unit; 2026 SCC OnLine SC 719

Decided on: 24 April, 2026

Bench: 1. Hon'ble Mr. Justice J.B. Pardiwala

2. Hon'ble Mr. Justice K.V. Viswanathan

(Prevention of Corruption Act, 1988—Sections 7 & 13(2)—Bail—Suspension of sentence—Non-production of seized bribe money—Explanation that currency notes were destroyed by rats and rodents—Credibility of prosecution explanation doubted—Concern expressed regarding destruction of seized currency and consequent revenue loss to the State—Sentence suspended and bail granted.)

Facts

The petitioner, a lady officer serving as a Child Development Programme Officer, was prosecuted for offences punishable under Sections 7 and 13(2) of the Prevention of Corruption Act, 1988, on allegations of illegal demand and acceptance of bribe.

The Trial Court acquitted the petitioner of all charges. Aggrieved by the acquittal, the department preferred an appeal before the Patna High Court. The High Court reversed the acquittal and convicted the petitioner for the alleged offences. She was sentenced to undergo rigorous imprisonment for four years under Section 13(2) and rigorous imprisonment for three years under Section 7 of the Act.

The petitioner approached the Supreme Court challenging the High Court judgment. During the proceedings, it was brought to the notice of the Court that the prosecution had failed to produce the currency notes allegedly recovered from the possession of the accused. The explanation offered was that the envelope containing the seized currency notes had been destroyed by rats and rodents while kept in the Malkhana.

The High Court had nonetheless upheld the conviction by relying upon the Malkhana register and other surrounding evidence.

Issues

1) Whether the substantive sentence imposed by the High Court deserved to be suspended pending consideration of the appeal.

2) Whether the explanation offered by the prosecution regarding destruction of the seized currency notes by rats and rodents inspired confidence.
3) Whether the failure to produce the seized bribe money materially affected the credibility of the prosecution case.

Judgment

The Supreme Court granted leave and suspended the substantive sentence imposed by the High Court. The petitioner was directed to be released on bail subject to such terms and conditions as the Trial Court deemed fit to impose.

The Court further expressed serious concern regarding the explanation offered for destruction of the seized currency notes and observed that the matter would require deeper examination at the stage of final hearing.

Rationale

The Court noted with surprise that the prosecution had failed to produce the seized currency notes on the ground that the envelope containing the money had been destroyed by rodents. While the High Court had accepted the explanation by relying upon entries in the Malkhana register and other surrounding circumstances, the Supreme Court observed that such an explanation did not inspire confidence.

The Bench expressed concern over the systemic issue of improper preservation of seized currency in corruption cases. It observed that if currency notes recovered in such offences are not kept safely and are allowed to get destroyed, it results in a substantial revenue loss to the State. The Court indicated that the issue transcended the individual case and reflected deficiencies in the preservation and custody of case property.

Without finally commenting on the merits of the conviction, the Court considered the circumstances appropriate for suspension of sentence and grant of bail pending adjudication of the appeal. The Court also indicated that the credibility and acceptability of the explanation relating to destruction of the seized bribe money would be examined in greater detail when the main matter is taken up for hearing.

19. Home Care Retail Marts Pvt. Ltd. v. Haresh N. Sanghavi; 2026 SCC OnLine SC 670

Decided on: 24 April 2026

Bench: 1. Hon'ble Mr. Justice Manmohan

2. Hon'ble Mr. Justice Manoj Misra

(Arbitration and Conciliation Act, 1996—Section 9—Post-award interim measures—Maintainability of petition by unsuccessful party in arbitration—Meaning of expression "a party"—Scope of Sections 9, 34 and 36—Literal and purposive interpretation—Any party to arbitration agreement, including unsuccessful party, entitled to invoke Section 9 post-award—Relief subject to heightened judicial scrutiny and established principles governing interim protection.).

Facts

The batch of appeals before the Supreme Court arose from conflicting judicial opinions expressed by various High Courts regarding the maintainability of petitions under Section 9 of the Arbitration and Conciliation Act, 1996 at the post-award stage by a party that had failed in arbitration proceedings and did not possess an enforceable award in its favour.

The Bombay High Court in Dirk India (P) Ltd. v. Maharashtra State Electricity Generation Co. Ltd., the Delhi High Court in Nussli Switzerland Ltd. v. Organizing Committee Commonwealth Games 2010 and NHAI v. PNB, the Madras High Court in A. Chidambaram v. S. Rajagopal, and the Karnataka High Court in Padma Mahadev v. Sierra Constructions (P) Ltd. had held that an unsuccessful party could not maintain a Section 9 petition after the award, reasoning that post-award interim protection exists only to preserve the "fruits of the award".

On the other hand, the Telangana High Court in Saptarishi Hotels (P) Ltd. v. National Institute of Tourism & Hospitality Management, the Gujarat High Court in GAIL (India) Ltd. v. Latin Rasayani (P) Ltd., and the Punjab and Haryana High Court in DLF Home Developers Ltd. v. Orris Infrastructure (P) Ltd. had taken the contrary view that even an unsuccessful party could seek interim protection under Section 9 in appropriate circumstances.

The Supreme Court was therefore called upon to settle the conflicting interpretations concerning the scope of Section 9 at the post-award stage.

Issues

1. Whether a petition under Section 9 of the Arbitration and Conciliation Act, 1996 at the post-award stage is maintainable at the instance of an unsuccessful party in arbitration.
2. Whether the expression "a party" in Section 9 includes both successful and unsuccessful parties to the arbitration agreement.
3. Whether availability of remedies under Sections 34 and 36 excludes recourse to Section 9 by an unsuccessful party.

Judgment

The Supreme Court held that any party to an arbitration agreement, including an unsuccessful party in arbitration, may invoke Section 9 of the Arbitration and Conciliation Act, 1996 at the post-award stage.

The Court clarified that while such petitions are maintainable, courts must exercise care, caution, and circumspection in granting interim relief to unsuccessful parties, applying the settled principles governing interim measures such as prima facie case, balance of convenience, and irreparable injury.

The Court further held that the contrary views expressed in Dirk India, Nussli Switzerland, Padma Mahadev, and A. Chidambaram did not lay down the correct legal position, whereas the views taken in Saptarishi Hotels, Latin Rasayani, and DLF Home Developers correctly reflected the statutory scheme.

Rationale

The Court held that the expression "a party" used in Section 9 is defined under Section 2(h) of the Arbitration and Conciliation Act as "a party to an arbitration agreement". The statutory language draws no distinction between a successful or unsuccessful party. Applying settled principles of statutory interpretation, the Court observed that where the language of a statute is plain and unambiguous, courts cannot introduce limitations not contemplated by the legislature.

The Bench emphasised that Section 9 expressly permits recourse to interim measures before commencement of arbitration, during arbitral proceedings, and after the award but before enforcement under Section 36. The provision contains no restriction limiting post-award relief exclusively to award-holders. The Court observed that if Parliament intended to confine post-award interim relief only to successful parties, it would have expressly incorporated such limitation.

The Court further noted that the Indian legislature consciously departed from the UNCITRAL Model Law by specifically permitting post-award interim relief under Section 9. Such deliberate legislative choice demonstrated an intention to confer broad powers upon courts to grant interim protection until enforcement proceedings attain finality.

Rejecting the reasoning adopted in Dirk India and similar judgments, the Court held that restricting Section 9 relief solely for protecting the "fruits of the award" amounted to impermissible judicial legislation. The Court reiterated that courts interpret law but cannot rewrite or alter statutory provisions through strained interpretation.

The Court also clarified that Sections 34 and 36 operate in spheres distinct from Section 9. Section 34 concerns challenge to the award, while Section 36 governs enforceability and stay of awards. Section 9, however, is intended to preserve the subject matter of disputes and prevent frustration of eventual rights. Since an unsuccessful party cannot obtain protective relief under Sections 34 or 36, denying recourse to Section 9 could leave such party remediless in cases where assets are dissipated or the challenge proceedings ultimately succeed.

The Court further observed that there may be exceptional situations where interim protection becomes necessary for an unsuccessful party, including allegations of fraud, absence of notice, continuation of earlier interim arrangements, or apprehension that dissipation of assets may render the outcome of Section 34 proceedings meaningless. The Court also recognised that rigid categorisation into "successful" and "unsuccessful" parties may create injustice in cases involving partial success.

While affirming maintainability of such petitions, the Court cautioned that the threshold for grant of relief to an unsuccessful party would necessarily be higher. Interim measures under Section 9 would continue to be governed by established equitable principles relating to prima facie case, balance of convenience, and irreparable injury. Only rare and compelling cases would justify grant of protection to a party that had failed in arbitration proceedings.

The Court ultimately held that statutory rights under Section 9 cannot be curtailed merely on apprehension of misuse and reaffirmed that the provision must be interpreted in accordance with its plain language and legislative purpose

20. Aman Singh v. State of Bihar; 2026 SCC OnLine SC 720

Decided on: 27 April 2026

Bench: 1. Hon'ble Mr. Justice Vikram Nath

2. Hon'ble Mr. Justice Sandeep Mehta

3. Hon'ble Mr. Justice Vijay Bishnoi

(Death Penalty—Sentencing framework—Mitigating and aggravating circumstances—Capital punishment—Fair sentencing process—Requirement of structured mitigation analysis—Effective legal representation—Legal aid in death reference cases—Role of Legal Services Authorities—Probation reports—Psychological evaluation—Mitigation investigation reports—Reformation as foundational goal of punishment—Need for multidisciplinary sentencing framework.).

Facts

The proceedings arose out of a judgment and order dated 22 January 2026 passed by the Patna High Court in Death Reference No. 2 of 2024 and Criminal Appeal (DB) No. 691 of 2024, whereby the appellants were sentenced to death.

The matter came before the Supreme Court in connected proceedings involving death reference and criminal appeal. During the course of hearing, the Court noticed serious deficiencies in the manner in which sentencing in capital punishment cases was being undertaken.

The Court observed that in several death penalty matters, mitigating and aggravating circumstances were not being properly collected, verified, or analysed at the trial stage. Instead, such materials were often being called for only during appellate proceedings, thereby delaying the process and impairing the fairness of sentencing determination.

The Court further noted the recurring problem of ineffective legal representation in death penalty cases. According to the Court, absence of competent prosecution and effective defence undermines the constitutional requirement of a fair and informed sentencing process.

Taking note of these systemic deficiencies, the Court stayed execution of the death sentence and summoned the original records from the Trial Court and the High Court. Directions were also issued for obtaining probation reports, jail conduct reports, psychological evaluation reports, and detailed mitigation investigation reports through trained professionals.

Issues

1. Whether the existing sentencing process in death penalty cases adequately ensures consideration of mitigating and aggravating circumstances.
2. Whether absence of structured mitigation analysis and ineffective legal representation undermines fairness in capital sentencing.
3. Whether comprehensive procedural safeguards and institutional mechanisms are required to ensure constitutionally compliant sentencing in death penalty cases.

Judgment

The Supreme Court stayed execution of the death sentence and issued comprehensive directions for streamlining sentencing procedures in capital punishment cases.

The Court mandated that trial courts and High Courts must ensure systematic collection and evaluation of mitigating and aggravating circumstances. It further directed constitution of specialised legal aid mechanisms and preparation of structured mitigation reports through multidisciplinary teams.

The Court also directed the National Legal Services Authority (NALSA) and High Courts to formulate institutional frameworks to ensure effective representation and informed sentencing determination in death reference matters.

Rationale

The Court expressed grave concern regarding recurring failures in the criminal justice system while dealing with sentencing in death penalty cases.

Placing reliance upon *Manoj v. State of M.P.*, (2023) 2 SCC 353, the Court reiterated that reformation continues to remain one of the foundational objectives of criminal punishment. However, the absence of a structured and measurable sentencing framework has seriously impaired meaningful evaluation of reformative possibilities.

The Court observed that mitigating and aggravating circumstances constitute the core of a constitutionally valid sentencing exercise in capital punishment cases. Nonetheless, such materials are frequently not collected at the trial stage and are instead sought belatedly during appellate proceedings, thereby causing avoidable delay and adversely affecting fairness in sentencing.

The Court further highlighted the importance of effective legal representation in death penalty matters. It observed that inadequate defence representation and ineffective prosecution deprive courts of a complete and balanced perspective necessary for imposing an appropriate sentence.

The Court remarked that:

“The absence of competent and effective prosecution and defence not only undermines the fairness of the process but also increases the risk of a disproportionate, unjust, and uninformed sentencing outcome.”

The Court emphasised that sentencing in capital cases cannot be reduced to a mechanical exercise confined only to the nature of the crime. Instead, courts are constitutionally obligated to undertake a holistic inquiry into the background, socio-economic conditions, psychological profile, jail conduct, reformative potential, and other mitigating circumstances concerning the convict.

Accordingly, the Court issued a series of directions to institutionalise a structured sentencing framework:

- Trial Courts were directed to mandatorily call for reports relating to aggravating and mitigating circumstances immediately after conviction and prior to sentencing.
- In cases where such reports are not obtained by the Trial Court, the High Court was directed to mandatorily obtain them at the stage of admission of death reference.
- The authorities concerned were directed to ensure that such reports are comprehensive, verified, and submitted within a fixed timeline, while also granting parties adequate opportunity to examine and respond to them.
- High Courts were authorised to seek fresh reports wherever the reports already available are found to be inadequate.
- In every death sentence confirmation matter, Legal Services Committees were directed to appoint a dedicated legal team comprising one Senior Counsel and at least two

experienced advocates for representing the convict, irrespective of whether private counsel had already been engaged.

- Each High Court was directed to maintain a specialised panel of advocates under the Legal Services Committee specifically for handling death reference cases.
- The National Legal Services Authority (NALSA) was directed to formulate detailed guidelines governing collection of mitigating circumstances and to engage multidisciplinary teams for preparation of mitigation investigation reports.

The Court emphasised that such reports are indispensable for ensuring a holistic and constitutionally compliant sentencing process in capital punishment cases.

Considering the necessity of obtaining all requisite reports and materials, the Court ordered continuation of stay on execution of the death sentence and directed the matter to be listed after twenty weeks.

21. Ashwini Kumar Upadhyay v. Union of India; 2026 SCC OnLine SC 741

Decided on: 29 April 2026

Bench: 1. Hon'ble Mr. Justice Vikram Nath

2. Hon'ble Mr. Justice Sandeep Mehta

(Constitution of India—Articles 32, 51-A, 142, 226 and doctrine of separation of powers—Criminal Procedure Code, 1973—Sections 154, 154(3), 156(3), 196, 197 and 200—Bharatiya Nagarik Suraksha Sanhita, 2023—Hate speech—Judicial restraint—Whether judiciary can create new criminal offences or direct enactment of legislation—Legislative vacuum—Continuing mandamus—Adequacy of existing penal framework—Mandatory registration of FIR—Prior sanction not required at pre-cognizance stage.)

Facts

The petitioners invoked the writ jurisdiction of the Supreme Court under Article 32 of the Constitution seeking directions to the Union of India to examine and strengthen the legal framework governing "hate speech" and "rumour mongering" through appropriate legislation.

The petition was primarily founded upon concerns arising from the Law Commission of India's 267th Report dated 23 March 2017, which recommended insertion of specific penal provisions dealing with "incitement to hatred", and certain allegedly communal speeches made during the COVID-19 pandemic targeting religious minorities.

The petitioners contended that the existing legal framework was inadequate to effectively regulate hate speech and sought issuance of continuing mandamus and directions to enact suitable legislation.

The Court also considered an allied issue concerning whether prior sanction under Sections 196 and 197 CrPC is a prerequisite for directing registration of an FIR and commencement of investigation under Section 156(3) CrPC.

Issues

1. Whether the judiciary can create or expand criminal offences in the absence of legislative action.

2. Whether the existing substantive criminal law adequately addresses offences relating to hate speech and rumour mongering.
3. Whether the procedural framework under CrPC/BNSS provides adequate remedies in cases of non-registration of FIRs.
4. Whether continuing mandamus ought to be issued in the present matter.
5. Whether prior sanction under Sections 196 and 197 CrPC is necessary before directing registration of an FIR or commencement of investigation under Section 156(3) CrPC.

Judgment

The Supreme Court dismissed the writ petitions and held that the judiciary cannot create new criminal offences or expand the contours of criminal liability in the absence of legislative sanction.

The Court further held that the field relating to hate speech is already substantially occupied by existing penal laws and that the grievance raised by the petitioners pertains not to legislative vacuum but to deficiencies in enforcement.

The Court also clarified that prior sanction under Sections 196 and 197 CrPC is required only at the stage of taking cognizance and not for registration of an FIR or commencement of investigation under Section 156(3) CrPC.

Rationale

The Court extensively examined the constitutional doctrine of separation of powers and reiterated that while the Constitution does not adopt the doctrine in an absolute form, functional demarcation between the Legislature, Executive and Judiciary remains fundamental.

The Court observed:

"The Constitution recognises the doctrine of separation of powers; it does not adopt it in its rigid or absolute form. Nonetheless, the functional demarcation between the 3 organs of the State remains fundamental."

The Court held that creation of criminal offences and prescription of punishments fall exclusively within the legislative domain. The judiciary may interpret laws, develop legal principles, and indicate the necessity for legislative reform, but it cannot legislate or compel enactment of a particular law through judicial directions.

Distinguishing *Vishaka v. State of Rajasthan*, (1997) 6 SCC 241, the Court explained that the directions issued in *Vishaka* were justified because there existed a complete legislative vacuum. However, where the legislature has already occupied the field through statutory enactments, courts cannot formulate substantive penal norms akin to legislation.

The Court observed that several existing provisions under criminal law already penalise acts promoting enmity, hatred, communal disharmony and disturbance of public order. The Court therefore concluded that the field relating to hate speech is not legislatively unoccupied.

Referring to the Law Commission of India's 267th Report on Hate Speech, the Court noted that the report itself acknowledged existence of a substantial legal framework and merely suggested strengthening of implementation through additional provisions such as proposed Sections 153-C and 505-A IPC.

The Court therefore held that the real issue lies in selective, delayed, or inconsistent enforcement of existing laws rather than absence of legislation.

On procedural safeguards, the Court examined Sections 154, 154(3), 156(3) and 200 CrPC and held that the statutory framework already provides comprehensive remedies where police fail to register FIRs despite disclosure of cognizable offences.

The Court reiterated that the law regarding mandatory registration of FIR upon disclosure of a cognizable offence is settled and that Section 156(3) CrPC confers wide supervisory jurisdiction upon Magistrates to ensure fair and proper investigation.

The Court further held that constitutional remedies under Articles 32 and 226 remain available where statutory remedies prove ineffective.

While considering the prayer for continuing mandamus, the Court held that issuance of such directions in anticipation of future offences or speculative failures of enforcement would improperly result in the judiciary assuming executive and legislative functions.

The Court cautioned that constitutional courts must exercise restraint where a complete statutory mechanism already exists.

In discussing constitutional fraternity and communal harmony, the Court referred to Article 51-A and emphasised that the Constitution seeks to promote unity, coexistence and mutual respect transcending religious, linguistic and regional diversities.

On the issue of prior sanction, the Court clarified that sanction under Sections 196 and 197 CrPC operates only at the stage of taking cognizance by the court and does not apply at the pre-cognizance stage of registration of FIR or investigation.

The Court held that any interpretation requiring prior sanction before registration of FIR would frustrate the statutory scheme governing criminal investigation.

Accordingly, the Court concluded that:

- The judiciary cannot create criminal offences or direct enactment of legislation.
- Existing substantive criminal law adequately addresses hate speech offences.
- CrPC/BNSS provides sufficient procedural remedies regarding non-registration of FIRs.
- Continuing mandamus was unwarranted.
- Prior sanction is not a precondition for registration of FIR or investigation under Section 156(3) CrPC.