

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. _____ of 2025
[@ SPECIAL LEAVE PETITION (CRIMINAL) NO.3644 OF 2020]

MAHIPAL SINGH

APPELLANT(S)

VERSUS

THE STATE OF MADHYA PRADESH & ORS.

RESPONDENT(S)

O R D E R

1. Leave granted.
2. Heard learned counsel appearing for the appellant and learned counsel appearing for the State.
3. The appellant was the Sarpanch of a particular village. The second respondent in a pending appeal against conviction, filed an application for suspension of sentence for a period of 15 days on the ground that he needed to remain present for marriage for his alleged niece for performing "Kanyadan". In terms of the directions issued by the High Court, the State Government called for a report. The case made out by the second respondent was that the marriage was scheduled to be held on 21st April,

2019. The appellant who was the Sarpanch recorded in his report that the second respondent is not related to father of the bride and second respondent got his name written in the wedding card as "Kanyadan Karta" only with a view to obtain bail. He also recorded that second respondent did not have any sibling and his father did not have any brother.

4. The bride later on filed an affidavit before the High Court stating that the second respondent was her Tau (son of her grand father's brother) and second respondent adopted her when she was a child.

5. The Secretary of the Gram Panchayat submitted a family tree which shows a distant relationship between the second respondent and Kumari Nisha for whose marriage suspension of sentence was sought. The High Court called upon the appellant to file an affidavit in which he explained that he was not aware of the ancestors of the second respondent and the other distant relatives.

6. In our view, the High Court has taken extreme view of the matter by directing holding of an inquiry against the appellant and by directing the police to investigate and register offence against the appellant. All that the appellant did was to furnish information which was within his knowledge. The information which he furnished by way

of certificate was that the second respondent had no relation with the father of the bride and second respondent did not have any sibling. The said information was not incorrect.

7. Therefore, the impugned order, insofar the directions issued against the appellant in paragraphs 27 and 28 is concerned, is required to be set aside.

8. Ordered accordingly.

9. We are informed across the bar that a First Information Report (FIR) has been registered against the appellant on the basis of direction contained in paragraphs 28 of the impugned order. Even the FIR and proceedings based thereon are hereby quashed.

10. The appeal is accordingly allowed on above terms.

11. Pending application(s), if any, shall stand disposed of.

.....J.
(ABHAY S.OKA)

.....J.
(NONGMEIKAPAM KOTISWAR SINGH)

NEW DELHI;
JANUARY 8, 2025.

ITEM NO.4

COURT NO.5

SECTION II-A

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

Petition for Special Leave to Appeal (Crl.) No.3644/2020

[Arising out of impugned final judgment and order dated 21-01-2020 in IA No. 2333/2019 passed by the High Court of Madhya Pradesh at Gwalior]

MAHIPAL SINGH

Petitioner(s)

VERSUS

THE STATE OF MADHYA PRADESH & ORS.

Respondent(s)

Date : 08-01-2025 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA

HON'BLE MR. JUSTICE NONGMEIKAPAM KOTISWAR SINGH

For Petitioner(s) Mr. Nikhil Tyagi, Adv.
Ms. Kirti Sharma, Adv.
Mr. Gopal Verma, AOR

For Respondent(s) Mr. Amit Sharma, A.A.G.
Mr. Yashraj Singh Bundela, AOR
Mr. Surjeet Singh, Adv.
Ms. Saloni, Adv.
Mr. Rohan Singla, Adv.

M/S. Corporate Legal Partners, AOR
Mr. Vikas Kumar, Adv.
Mr. Manish Paliwal, Adv.
Mr. Kedar R Seludkar, Adv.
Mr. Arun Kumar, Adv.

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

Leave granted.

The appeal is allowed in terms of the signed order.

Pending application(s), if any, shall stand disposed
of.

(KAVITA PAHUJA)
AR-cum-PS

(AVGV RAMU)
COURT MASTER (NSH)

[Signed order is placed on the file]