

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

SPECIAL LEAVE PETITION (CRIMINAL) Diary No(s). 27076/2025

[Arising out of impugned final judgment and order dated 22-01-2025 in WPCR No. 277/2024 passed by the High Court of Chhatisgarh at Bilaspur]

USHA SINGH & ANR.

Petitioner(s)

VERSUS

THE STATE OF CHHATTISGARH & ORS.

Respondent(s)

IA No. 204211/2025 - CONDONATION OF DELAY IN FILING

IA No. 204217/2025 - CONDONATION OF DELAY IN REFILING / CURING THE DEFECTS

IA No. 204212/2025 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 204215/2025 - EXEMPTION FROM FILING O.T.

Date : 01-09-2025 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MANOJ MISRA

HON'BLE MR. JUSTICE UJJAL BHUYAN

For Petitioner(s) :

Mr. Ashok Kumar Panigrahi, Adv.

Mr. Jitendra Kumar Sharma, Adv.

Mr. Chand Qureshi, AOR

For Respondent(s) :

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

1. Delay condoned.

2. The contention of the learned counsel for the Petitioners is that while passing the impugned order, the High Court has failed to consider whether the complaint made by the Petitioners was properly investigated to find out : (a) whether a boy and a girl were delivered by Petitioner No. 1 (Usha Singh) at the hospital

concerned; and (b) whether the DNA report in respect of paternity of the two girls confirmed that they were born of same parents.

3. It is submitted that Petitioners' specific case was that a girl and boy child was delivered by Petitioner No. 1 at the hospital of the private respondent but when Petitioner No. 1 discovered that instead of a boy and girl, there were two girls, she made a complaint and, thereafter, DNA test was carried out which revealed that DNA of one girl matched with her biological parents (i.e. the Petitioners) whereas the DNA of the other girl child did not match with her parents (i.e. the Petitioners). Therefore, it was a clear case of child swapping. In such circumstances, according to the petitioners, investigation ought to have been directed after a thorough inquiry whereas the High Court summarily dismissed the petition without examining the above aspects.

4. Matter requires consideration.

5. Issue notice to the Respondents, returnable in four weeks.

(CHETAN ARORA)
ASTT. REGISTRAR-cum-PS

(SAPNA BANSAL)
COURT MASTER (NSH)