

IN THE SUPREME COURT OF INDIA
CRIMINAL ORIGINAL JURISDICTION
WRIT PETITION (CRL.)NO.577 OF 2023

ANIL KUMAR ALIAS ANIL BABA

... PETITIONER

Versus

UNION OF INDIA & ORS.

... RESPONDENTS

O R D E R

1. The instant Writ Petition, under Article 32 of the Constitution of India, has been filed seeking a Writ of Mandamus to declare that the dictum of this Court in Arnesh Kumar vs. State of Bihar, (2014) 8 SCC 273, shall not be applicable in the cases registered under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. An omnibus prayer to declare all the judgments, orders or directions where Arnesh Kumar's case (supra) has been followed as being violative of Fundamental Rights as enshrined in Articles 14, 17, 21 and the Directive Principles of the State Policy in Article 46 of the Constitution of India, has also been made.

2. The third prayer made by the petitioner in the instant Writ Petition is that "any judgment, order or direction pronounced by any High Court (e.g. Allahabad High Court judgment and order dated 10.09.2018 in Rajesh Mishra & Ors. vs. State of U.P., Misc.Bench No.25669/2018 or any order or direction given by any

State Government....) shall not make Arnesh Kumar's case (supra) applicable in the cases of atrocities against SCs and STs falling under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3. We have heard learned counsel for the petitioner at a considerable length and carefully perused the averments made in the Writ Petition.

4. In our considered view, the Writ Petition is wholly misconceived and misdirected.

5. It goes without saying that if the principles enunciated in Arnesh Kumar's case (supra) have been erroneously applied by a court, the complainant/victim in such a case can seek redressal of his grievance before an appropriate forum. No blanket prohibitory order restraining the High Courts from applying Arnesh Kumar's case (supra) can be issued by this Court. Assuming that a High Court has passed an erroneous order, the remedy does not lie under Article 32 of the Constitution. Such an order can be subjected to judicial review of this Court through appropriate proceedings initiated by an aggrieved person. That apart, the relief sought by the petitioner would amount to modification or partial review of the judgment of this Court in Arnesh Kumar's case (supra), which is impermissible in exercise of power under Article 32 of the Constitution.

6. The Writ Petition is, accordingly, dismissed.

7. However, this order shall have no bearing on the rights or grievances of the complainants/victims, who may in furtherance of their own individual rights, avail an appropriate remedy.

8. As a sequel to the above, the pending interlocutory application also stands disposed of.

.....J.
(SURYA KANT)

.....J.
(DIPANKAR DATTA)

NEW DELHI;
DECEMBER 11, 2023.

ITEM NO.19

COURT NO.5

SECTION PIL-W

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

Writ Petition(s)(Criminal) No(s).577/2023

ANIL KUMAR ALIAS ANIL BABA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(FOR ADMISSION and IA No.233846/2023-EXEMPTION FROM FILING O.T.)

Date : 11-12-2023 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SURYA KANT

HON'BLE MR. JUSTICE DIPANKAR DATTA

For Petitioner(s) DR Ashok Siddhartha Priya Ram Singh , AOR

For Respondent(s)

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

The Writ Petition is dismissed in terms of the signed order.

As a sequel to the above, the pending interlocutory application also stands disposed of.

(SATISH KUMAR YADAV)
DEPUTY REGISTRAR

(PREETHI T.C.)
COURT MASTER (NSH)

(Signed order is placed on the file)