

***HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO**

+ Crl.P.No.341 of 2015

% Dated 07.12.2015

Between:

Kummari Lakshmaiah(Angadi)

and othersPetitioners/Accused persons

and

\$ 1. State of Andhra Pradesh rep.by

Its Public Prosecutor

-

2. Bandaru Venkata Ramana Respondents

(Defacto-complainant)

! Counsel for the petitioner : Sri P.Nagendra Reddy,

^ Counsel for 1st respondent : Public Prosecutor

Counsel for 2nd respondent : Sri Challa Sivasankar

< GIST : ---

>HEAD NOTE : ---

? Cases referred: :

[1] (2013)10 SCC 705

² (2015)6 SCC 439

³ (2015)6 SCC 287

⁴ 2013(5) SCC 762

⁵ 2014(3) SCC 306

⁶ 2006(12) SCC 534= AIR 2010 SC 1476

⁷ 2015(7) SCC 58 at para-41

⁸ 2009(6) SCC 194 at page 208 para 25

⁹ 2012(1) SCR 195(SC) at para13 =(2012) 3 SCC 126

¹⁰ 2009 CrI.J. 958

¹¹ 2006(1) SCC 752

¹² 2001(6) SCC 181

¹³ 2002(1) SCC 714

¹⁴ 1979(2) Sec.-322

¹⁵ 2004(13) SCC-292

¹⁶ 2013(6) ALT-101

¹⁷ 2013(3) SCJ 595

¹⁸ 2013-CrI.J-776 SC),

¹⁹ (2010) 12 SCC-254,

²⁰ 2001(4) SCC 350

HONOURABLE Dr.JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.341 of 2015

ORDER

This petition is filed under Section 482 of the Code of Criminal Procedure (for short, 'the CrPC') by the Petitioners/Accused in Cr.No.201 of 2014 on the file of the Station House Officer, I Town Police Station, Nandyal, Kurnool district, registered for the offences punishable under Sections 302, 326, 364 and 306 IPC which is outcome of a private complaint of the 2nd respondent referred by the learned Judicial First Class Magistrate, Nandyal, for investigation.

2. Heard both sides and perused the material on record with reference to the legal position.

3. The contents of the private complaint dated 10.10.2014 filed by the 2nd respondent-complainant against the 5 accused persons are that, the complainant's younger brother Srinivasulu (deceased) and one Adi Parvata G.P., D/o Murari loved each other and they left the Kadarabadara village of Sirvel Mandal to Pulivendula to house of Subhash (another brother of complainant-a driver) and on information of it from Subhash (LW.4) by complainant and his another brother (LW.5), parents (LW.2 & 3), LW.5 Pichaiah with Sub Inspector of police, Sirvel went to Pulivendula and brought them back to Kadarabadara village and handed over said Parvathi to her parents in the presence of G.Brahmaiah (LW.11). Among the Quash petitioners A.1 to A.5, A.1 to A.3 being the maternal uncles, A.4 cousin brother of said Parvathi and A.5 close associate of Murari (father of Parvathi), after that incident, started proclaiming to do away with Srinivasulu (deceased boy) and creating panic, for which said Srinivasulu could not stay in the village having taken Rs.50/- from LW.7 (Lalithamma) left to Nandyal on 15.06.2014, to the house of LW.6 B.Seshamma (his Junior maternal aunt) and when Srinivasulu reached by 8 P.M. Nandyal RTC bus stand the accused (supra) were noticed talking with

strangers with a white Tata Sumo another sumo and jeep near Katyayani Medical Store near bus stand gate, Nandyal noticed the deceased was abducted with them in the vehicles (witnessed by L.W.9–A.Pullamma of Kadarabadara village while purchasing sundry articles (after medical check up at Madhumani hospital), LW.8–K.Ashok Kumar Reddy (friend of Srinivasulu also there witnessed). It is alleged that the deceased was taken to Bommalasatram College ground (witnessed by L.W.10 T.Narasimhulu), they kept the deceased to sit in a Jeep, there deceased took a pen and paper from Jeep driver and expressed in writing his fear of being killed and kept in his pocket, later they murdered the deceased by set ablaze poured with oil and the dead body placed at Railway track between Panyam and Nandyal and proceeded towards Pusuluru village (also noticed by L.W.10 Narsimhulu). The Railway police Guntakal on 16.06.2014 noon from information of Railway driver and Guard–V.K.Rao and N.Naraiah, registered F.I.R.45/2014, u/Sec.174 Cr.P.C noticed the deceased with tongue protruded and after inquest and post mortem, recovered the suicide letter from pocket of deceased and the post mortem report revealed cause of death by throttling besides noticed anti mortem injuries on temporal region of head and at the scene observation, there is no blood but for few stains on small kankara stones nearby indicating the deceased was killed and dead body placed near at the two tracks of rails and therefrom transferred the F.I.R to Sirvel Police station; but the deceased was murdered within the jurisdiction of I Town police station Nandyal, hence to forward the complaint to Station House Officer I Town Police station Nandyal to register the crime and to investigate. The documents enclosed to the private complaint are F.I.R in Cr.No.45/14 of Guntakal Railway Police station dt;16.06.2014 and Post Mortem report dt;17.07.2014. The witnesses listed are besides L.Ws.1 to 11 supra, are L.W.12 and L.W.13–Inquest witnesses and L.W.14–R.P.F Head Constable No.393 Nandyal who conducted the inquest.

4.The learned Judicial First Class Magistrate, Nandyal on 16.10.2014 referred the private complaint to Nandyal I Town Police station U/Sec.156(3) Cr.P.C for registering of crime and investigation which order reads “*Complainant present. Complaint is forwarded to the Deputy Superintendent of Police, Nandyal to send to the police concerned on the point of jurisdiction and to investigate the case and file report by 13.11.2014*”. The in-charge DSP in turn, on 20.10.2014, forwarded to C.I/I.Town PS, Nandyal, to register the case immediately as per instructions of Judicial First Class Magistrate, Nandyal and investigate. The C.I of police on 25.10.2014 at 10.00hours endorsed in registering and issuing express F.I.R as Cr.No.201/14 U/Sec.302, 326, 364 and 306 IPC and Sec.156(3) Cr.P.C to investigate by sending copies to all concerned (original to Court).

5.Said F.I.R. proceedings, against A.1 to A.5 are now seeking to Quash, with contentions in the grounds for Quashing that when Cr.No.45/14 dt;16.06.2014 of Guntakal Railway Police Station is pending U/Sec.174 Cr.P.C and having found a suicide note of deceased in alering Sec.306 IPC which is pending investigation, the 2nd F.I.R issued from private complaint referred by Magistrate U/Sec.156(3) Cr.P.C for registering crime and investigation is unsustainable, being also a false implication by roping U/Sec.302 IPC and thereby order Supra of learned Magistrate on Private complaint and its registering of crime and consequential investigation are liable to be quashed.

6. As per the expression of the Apex Court in ***Maksud Saiyed V. State of Gujarat***, that was followed in para 11 of ***Anil Kumar V. M.K.Aiyappa***^[1] and the same affirmed by the three Judges’ bench in ***Ramdev Food Products V. State of Gujarat***^[2] and reiterated in ***Priyanka Srivastava V. State of U.P.***^[3] of application of judicial mind is required even to refer under Section 156(3) Cr.P.C a private

complaint for police investigation by consideration of the facts of the case on hand and the order though not a detailed one expresses the views of Magistrate, not suffice of mere statement of his gone through the complaint, documents and heard complainant, unless same by judicial application of mind reflects in the order, for setting aside such an order. Thus from reading of Private complaint and averments with enclosed 2 documents – F.I.R. and Post mortem report, had the Learned Magistrate gone through the contents and applied the Judicial mind as required by law, reflects pending crime No.45/14 registered by Guntakal Railway Police u/s. 174 Crpc, altered from suicide note and was transferred by them to Sirvel Police and the same is pending with Sirvel police for investigation for the offence U/sec.306 of IPC. Once such is the case leave about the Sirvel police are empowered or not it is at the investigation stage not open to question U/Sec.156(2) Cr.P.C the chapter XIII Cr.P.C sec. 177 to 199 apply for cognizance by court depending upon jurisdiction for enquiry or trial.

7.It is from the above, for the Station House Officer, Sirvel Police Station who investigates the Crime if empowered as per defined local jurisdiction limits to investigate and if not empowered handover the same to Inspector of Police of area concerned to investigate and for any lack of local defined area Jurisdiction, to transfer the case to other police station or police circle or sub division concerned for their re-registering the crime or received by transfer to verify the investigation done if any and to further investigate. Needless to say by filing any attested memo if penal sections of law to be altered by deleting or adding further sections, which is always left open depending upon facts and from progress of investigation as per further and new facts revealed, if any.

8.The expression of the Apex Court (Division Bench) is **Vinay Tgagi Vs Ished Ali @ Deepak**^[4], speaks on the police investigation and report u/sec.154 to 173 Cr.P.C, as to primary report on initial

investigation and as per section 173(8) Cr.P.C supplementary report either on further investigation or on fresh on De novo investigation or re-investigation including from any referred report not charging all or any accused for any reason, even competent to defer police opinion vide **Dharampal VS State of Hariyana**^[5] by the Court while taking cognizance U/sec.190 Cr.P.C (even time to time as per any further investigation supra) to read and construe conjointly all such reports, including to decide earlier or primary report superseded by any such re-investigation report and to what extent. The Magistrate Court though can permit or direct further investigation U/sec.173(8) Cr.P.C, cannot order De novo or fresh or reinvestigation by another investigating agency by setting at nought earlier investigation and report, but for by a superior Court. On facts held the investigation done and preliminary report filed by Delhi police, wherein the Delhi High Court without withdrawing or cancelling Delhi police investigation and report, directed further investigation by CBI and CBI also filed final report and thereby the trial Court has to consider entire record with Delhi police final report and CBI final report, within the options to exercise therefrom either to consider entitlement of discharge sought by accused or direct trial on framing charges or to direct further investigation in addition to the above investigation report considered together of the Delhi Police and CBI. In fact the larger Bench of the Apex Court in **State of W.B.Vs Committee for protection of Domestic Rights**^[6] recognized power of High Courts to order C.B.I. for independent or de novo investigation.

9. In the case on hand, it is not even de-novo investigation, it is since not a further investigation but entrustment to another investigating agency as a parallel investigation which is impermissible.

10.The Learned Magistrate should have at best proceeded on the private complaint, by recording statements u/sec.200 to 204 Cr.P.C,

by taking cognizance as PRC if any, so that as per Sec.210(1) Cr.P.C, he could stay pending police investigation of Sirvel police if not in his Jurisdiction, by forwarding the same to Chief Judicial Magistrate of the District U/Sec.191 Cr.P.C on the application of accused or otherwise U/sec.192(1) Cr.P.C for taking cognizance and proceed U/sec.192 r/w.210(2) Cr.P.C after called for final report from Sirvel Police or otherwise for committal of private complaint PRC and police report PRC to the Court of Sessions where it appears both cases triable by Court of Sessions, u/sec.209 Cr.P.C, subject to compliance of Sec.209

(a to d) Cr.P.C for the Court of Sessions to take cognizance u/sec.193 Cr.P.C and on securing appearance to proceed u/sec.226 to 228 Cr.P.C. and further for trial of both cases as per sec.210(3) Cr.P.C as if both cases were instituted on a police report.

11. It is for the reasons that Courts should lean in favour of advancing cause of justice, where a clear case is made out for doing so, since justice and reasons is at the heart of all legislations vide **MP.**

Steel Corpn. VS Commissioner of Central Excise^[7].

12. The Court has a duty to prevent injustice to any of the parties to the lis. It cannot exercise its jurisdiction to allow the proceedings to be used to work as substantial injustice vide **Sneh Gupta Vs. Devi**

Sarup^[8]. It is needless to say every citizen has a right to get his or her complaint properly investigated. This is a question of equal protection of laws that covered by the guaranteed under Article 14 of the Constitution of India. The issue is akin to ensuring an equal access to justice as held in **Aziza Begum Vs.State of Maharastra**^[9].

13. Fair investigation and fair trial not only are concomitant to preserve fundamental right of accused, but also equally to the victim. On facts held 1st FIR by State Vigilance Officer and 2nd FIR by CBI-

when 2nd FIR relates to large number of accused on fraud in recruitment and scope of both FIRs entirely different and on different facts-2nd FIR is not bar nor it is covered by Section 173(8) Cr.P.C.

vide **Nirmal Singh Kahlon Vs. State of Punjab**^[10] -Where subsequent complaint or FIR was not in relation to same offence of first FIR and not by person and when did not pertain to same parties of first FIR, subsequent FIR/complaint is not a bar as laid down in **Rameshchandra Nandlal Parek Vs.State of Gujarat**^[11].

14. Here, the private complaint referred for investigation by Nandyal I Town Police and crime registered therefore and earlier crime pending investigation with Sirvel police are for same occurrence but for to say the detailed facts mentioned in the private complaint. It is thus nothing but to consider as part of investigation statement to first F.I.R U/s.161 and 162 of Cr.P.C and not with any value of section 154 Cr.P.C as laid down in **T.T. Antony Vs state of Kerala**^[12] – followed in **Kari Choudhary Vs Sita Devi**^[13] – referred in **Rameshchande Nandlal Parek and Nirmal Singh Kalhan**(supra). No doubt the right of further investigation as often as necessary by police is therefrom further or fresh information that is recognized by sec.173(8) Cr.P.C; but for to say the police should express their regard and respect for the court by seeking formal permission vide **Ramlal Narang Vs state (Delhi, Admn)**^[14]; where on facts CBI registered first F.I.R against two accused and filed final report and later on from subsequent events registered 2nd F.I.R not only against above two accused of earlier F.I.R but also against 3 others in upholding it by saying an offence committed would not be Judged by mere mentioning of sections but the mode and manner in which the same was committed as also the nature thereof.

15. In fact, in Nirmal Singh(supra) Division Bench the earlier three

Judge Bench expression in **Upkar Singh Vs.Red Prakash** ^[15] relied. In Upkar Singh(supra) which is for case and counter outcome of two FIRs for different penal sections with different versions outcome of same occurrence is held maintainable by referring Ramlal Nowrang & Kari Chowdary and T.T.Antony and by clarifying the expression in T.T.Antony saying at paras 23 and 24 that in T.T.Antony, the Apex Court did not consider specifically the legal right of an aggrieved person to file counter claims, though there are observations of permissibility of two FIRs as case and counter even outcome of same incident, in ultimately concluding 2nd complaint in regard to same incident is not permissible under Cr.P.C. and if said conclusion accepted, it will deprive legitimate right of victim to bring the real accused to book and same cannot be the purport of the code.

16. In the single Judge expression of this court in **Akbaruddin Owaisi Vs. Government of A.P.** ^[16] the scope of Sections 39,154,157,162 and 190 Cr.P.C. vis-a-vis Sections 177,179,186,196, 198, 199, 200 to 204, 210 and 220 Cr.P.C. in deciding maintainability of number of FIRs registered by different police either of report or complaint forwarded by Court or submitted by police at different areas of the State and outside the State dealt with referring to Articles 20, 21, 226 and 227 of the Constitution of India and Section 482 of Cr.P.C., in saying there is no statutory or other legal bar and however to protect the fundamental right of the accused-citizen, directed the Director General of police referring to the A.P. police Manual(Standing orders) 866 read with Section 2(s) of Cr.P.C. declaring the office of CID for the entire State as one police Station, to transfer all cases to the Station House Officer, CID Police Station to register first crime report as FIR and to treat all other crime reports with Section 162 Cr.P.C. statement value and for that conclusion, several expressions referred including T.T.Antony and Upkar Singh(supra), however not referred Vinay Tyagi(supra) and stated that

the declaration of law in T.T.Antony(supra) has not been diluted in any subsequent judgments of the Apex Court, even though exceptions have been carved out as held in **Amitbhai Anil Chandra Shah Vs. C.B.I.**^[17]-it was summed up in twelve points as to cases where the rule against registration of two F.I.Rs. for the same occurrence/incident, will not apply viz.

(i). in case the FIRs are not in respect of the same cognizable offence or the same occurrence giving rise to one or more cognizable offences nor are they alleged to have been committed in the course of the same transaction or the same occurrence as the one alleged in the first FIR. (Rameshchandra Nandlal Parikh v. State of Gujarat (2006) 1 SCC 732).

(ii). where the incident is separate and the offences are similar or different, or where the subsequent crime is of such magnitude that it does not fall within the ambit and scope of the FIR recorded first. (Anju Chaudhary v. State of Uttar Pradesh: (2013) Cri.L.J. 776 (SC)).

(iii). Where several distinct offences/incidents have been reported. In such a case the investigating agency should issue separate FIRs under Section 154(1) Cr.P.C. (M/s. Jagathi Publications Ltd. Rep. by Y. Eshwara Prasad Reddy v. Central Bureau of Investigation: 2012(2) ALD (Cri) 762).

(iv). to cryptic, anonymous or oral messages which do not clearly specify a cognizable offence and cannot be treated as an FIR. No exception can be taken if, upon receipt of proper information, another detailed FIR is recorded, and the detailed FIR is treated as the FIR. (Tapinder Singh v. State of Punjab (1970) 2 SCC 113; Vikram v. State of Maharashtra (2007) 12 SCC 332).

(v). Where, for an earlier period, there was an FIR which was duly investigated into and culminated in a final report which was accepted by a Competent Court. (M. Krishna v. State of Karnataka ((1999) 3 SCC 247: AIR 1999 SC 1765)).

(vi). Where the earlier complaint was decided on insufficient material or was passed without understanding the nature of the complaint, or where complete facts could not be placed before the court and the applicant came to know of certain facts after the disposal of the first complaint. In such cases the test of full consideration of the complaints on merits must be applied. (Shiv Shankar Singh v. State of Bihar [(2012) 1 SCC 130]).

(vii). in cases where there are different versions, they are in respect of two different incidents/crimes, and when new discovery is made on

factual foundations. Discoveries may be made by the police authorities at a subsequent stage and can also surface in another proceeding. (Nirmal Singh Kahlon v. State of Punjab: (2009) 1 SCC 441; Babubhai v. State of Gujarat : (2010) 12 SCC 254).

(viii). even in cases where the first complaint is registered and investigation initiated, it is possible to file a further complaint based on the material gathered during the course of investigation. (Upkar Singh v. Ved Prakash ((2004) 13 SCC 292 : AIR 2004 SC 4320; Ram Lal Narang v. State (Delhi Administration) (1979 CriLJ 1346) : (1979) 2 SCC 322).

(ix). Where two FIRs are lodged in respect of the same incident having materially different allegations of commission of different cognizable offences. (T.T. Antony v. State of Kerala (2001 CriLJ 3329 : (2001) 6 SCC 181; Upkar Singh v. Ved Prakash ((2004) 13 SCC 292 : AIR 2004 SC 4320).

(x). to a counter claim by the accused in the first complaint, or on his behalf, alleging a different version of the said incident. In case there are rival versions in respect of the same episode, it would be treated as two different FIRs and investigation can be carried under both of them by the same investigating agency. (Upkar Singh v. Ved Prakash (2004) 13 SCC 292; Kari Choudhary v. Most.Sita Devi: (2002) 1 SCC 714 : AIR 2002 SC 441); Ashok Kumar Tiwari v. State of U.P (2008 CriLJ 4668 (Allahabad High Court)).

(xi). where the FIRs are regarding independent and distinct offences, registration of a subsequent FIR cannot be prohibited on the ground that some other FIR had been filed against the petitioner in respect of other allegations made against him. (Rameshchandra Nandlal Parikh v. State of Gujarat, (2006) 1 SCC 732).

(xii). in cases where the same group of people commit offences in a similar manner in different localities falling under different jurisdictions. Even if these incidents are committed in close proximity of time, there can be separate FIRs. (Anju Chaudhary v. State of Uttar Pradesh: (2013) Cri.L.J. 776).

17. It is no doubt true whether the two F.I.Rs. relate to same or different incidents and or some of different facts etc., are to be carefully examined as laid down in **Anju Chaudhary Vs. State of UP**^[18] **Babulal Vs.State of Gujarat**^[19], **Mohan Baitha Vs.State of Bihar**^[20] **Ramlal Narang (supra)** and **Surendra Kaushik Vs. State of U.P.**^[21] referring to Babhu bai Lal Kavindra Pratap Singh, Ramesh Babu Rao Devkar, Upkar Singh, Kari Chowdary, T.T.Antony,

Ramlal Narang supra and other expressions in concluding ultimately not possible not possible to enumerate any formula of universal application to determine.

18. From the above out of 12 contingencies, none are fitted to the facts of the case on hand but for the one 9 supra(referring to T.T.Antony and Upkar Singh). It is because of the first FIR No.45 of 2014 of Guntakal Railway police based on a railway driver's report registered under Section 174 of Cr.P.C. and altered during investigation to Section 306 of I.P.C. and transferred to Sirvel Police Station, pending investigation there; for the offence under Section 306 of I.P.C. with no progress and the 2nd F.I.R. registered by Nandyal I Town Police Station based on private complaint of the defacto-complainant (one of the brothers of the deceased) that was referred to police for registering the crime (Cr.No.201 of 2014) and investigation even in respect of the same incident having materially different allegations of commission of different cognizable offences.

19. However, as concluded supra, the learned Magistrate in referring the Private complaint to police for registering another crime and to investigate, did not assign any reasons indicating any application of judicial mind as required by law. But as discussed supra, though from Akbaruddin Owaisi(supra) referring to several expressions of the Apex Court, the order passed by the learned Magistrate shown stand to judicial scrutiny by supplying reasons (as flesh and blood etc. to the skeleton); where Vinay Tyagi(supra) not referred which says a Magistrate cannot order fresh or re-investigation by another agency, rather further investigation by same agency under Section 173(8) Cr.P.C.; the basic principle for invoking section 482 of Cr.P.C. is to render substantial justice to meet ends of justice (for both parties to the lis)and to prevent any abuse of process and further as laid down in M.P. Steel Corporation, Sneh Gupte and Nirmal Singh Kahlon(supra), the Court must lean in favour of advancing cause of

justice with duty to prevent any injustice to any of the parties and the investigation must be fair not only to accused but also to victim or other complainant, as the case may be, and what clarified by Nirmal Singh Kahlon(supra) 2nd FIR is when not a bar, it is not covered by Section 173(8) of Cr.P.C. to say the principle in Vinay Tyagi(supra) no application to 2nd F.I.R., but for single FIR case, there is nothing to interfere by invoking Section 482 of Cr.P.C. to quash the 2nd FIR, even the order under Section 154(3) Cr.P.C. referring to police, the private complaint by learned Magistrate, is otherwise for want of reasons not sustainable on judicial scrutiny supra. It is sustainable, for the reasons supra, this Court is not quashing the same to direct the learned Magistrate to pass fresh order by supplying reasons; particularly when basic ingredients of Sections 364,302 and 201 of I.P.C. applies.

20. Accordingly and in the result, the petition is disposed of while upholding the 2nd FIR as valid to investigate, the Superintendent of Police, Kurnool is directed by virtue of this order, withdrawing the crime pending with Sirvel Police Station and transfer the same to the Investigating Officer concerned, who investigates the Cr.No.201 of 2014, for investigation of both the crimes and to file common final report before the learned Magistrate concerned to consider the same for any cognizance of offences made out to take on file from reading of entire material. This order no way prejudice any rights of any accused in the event of filing final report and taking of cognizance by Court concerned, to impugn on other merits.

Dr. B.SIVA SANKARA RAO J,

Date:07.12.2015

Note: L.R. Copy to be marked.

Vvr.

- [\[1\]](#) (2013)10 SCC 705
- [\[2\]](#) (2015)6 SCC 439
- [\[3\]](#) (2015)6 SCC 287
- [\[4\]](#) 2013(5) SCC 762
- [\[5\]](#) 2014(3) SCC 306
- [\[6\]](#) 2006(12) SCC 534= AIR 2010 SC 1476

- [\[7\]](#) 2015(7) SCC 58 at para-41

- [\[8\]](#) 2009(6) SCC 194 at page 208 para 25
- [\[9\]](#) 2012(1) SCR 195(SC) at para13 =(2012) 3 SCC 126
- [\[10\]](#) 2009 CrI.J. 958
- [\[11\]](#) 2006(1) SCC 752
- [\[12\]](#) 2001(6) SCC 181
- [\[13\]](#) 2002(1) SCC 714
- [\[14\]](#) 1979(2) Sec.-322

- [\[15\]](#) 2004(13) SCC-292

- [\[16\]](#) 2013(6) ALT-101
- [\[17\]](#) 2013(3) SCJ 595
- [\[18\]](#) 2013-CrI.J-776 SC),
- [\[19\]](#) (2010) 12 SCC-254,
- [\[20\]](#) 2001(4) SCC 350
- [\[21\]](#) (2013) 5 SCC 148