

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

AND

THE HON'BLE SMT JUSTICE J.UMA DEVI

WRIT APPEAL NO.433 OF 2017

JUDGMENT: {Per the Hon'ble the Acting Chief Justice Ramesh Ranganathan}

This appeal, under Clause 15 of the Letters Patent, is filed against the order passed by the learned Single Judge in WP.No.35088 of 2016 dated 19.10.2016 whereby the learned Single Judge, while directing the appellants to proceed with the investigation, directed them to complete the investigation without arresting the petitioner.

While elaborate submissions have been put forth by the respondents, on the validity of the order under appeal, the Supreme Court, in **Ram Kishan Fauji v. State of Haryana**¹ (Judgment in Civil Appeal No.4288 of 2017 dated 21.03.2017), has declared that an appeal, against exercise of criminal jurisdiction by the learned Single Judge, does not lie under Clause 15 of the Letters Patent. Following the judgment in **Ram Kishan Fauji**¹, this appeal is liable to be dismissed as not maintainable. Needless to state that the order now passed by us, dismissing the appeal, would not preclude the petitioner from availing such other remedies as are available to her in law.

Subject to the above observations, the appeal fails and is, accordingly, dismissed. There shall be no order as to

¹ 2017 SCC Online SC 259

costs. Miscellaneous petitions, if any, pending shall stand dismissed.

(RAMESH RANGANATHAN, ACJ)

(J.UMA DEVI, J)

7th August 2017
RRB

