

ITEM NO.6

COURT NO.6

SECTION II

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

Petition(s) for Special Leave to Appeal (Crl.) No(s).3383-3384/2023

[Arising out of impugned final judgment and order dated 03-01-2023 in SBCRWP No. 326/2022 09-02-2023 in SBCRLMA No. 14/2023 passed by the High Court of Judicature for Rajasthan at Jodhpur]

MEHRAM FARDODA

Petitioner(s)

VERSUS

STATE OF RAJASTHAN & ORS.

Respondent(s)

(IA No. 52609/2023 - EXEMPTION FROM FILING O.T.)

Date : 25-02-2025 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE J.K. MAHESHWARI
HON'BLE MR. JUSTICE ARAVIND KUMAR

For Petitioner(s) :Mr. Parameshwar K., Sr. Adv.
Mr. Rishi Matoliya, AOR

For Respondent(s) :Mr. Anand Shankar, AOR

Mr. Shikhil Suri, Sr. Adv.
Ms. Charu Mathur, AOR

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

1. The present special leave petitions are arising out of an order passed in a writ petition filed by the petitioner bearing S.B. Criminal Writ Petition No. 326 of 2022 in which the following reliefs were prayed:

"1. The officials respondents may kindly be

directed to remove the private respondents from the house of the petitioner and to hand over the possession of the house of the petitioner to him.

2. The private respondents may also be directed to immediately leave the house of the petitioner and to give possession of the house to the petitioner."

2. Along with the said Writ Petition, the High Court also heard SB Criminal Misc.(Pet) Nos. 6112 and 5571 of 2022. However by the final order, the Court directed as under :

"9. Thus, in view of the above, and the categorical factual submission made by the learned Public Prosecutor that the charge-sheets, in the impugned FIRs, are ready to be filed, the present petitions do not call for any interference, and the same are accordingly *dismissed*; with the following observations and directions :

(a) The respondents-Superintendent of Police, Police Station Kuchera, District Nagaur, are directed to ensure that the ladies (wives) are restored to their original (matrimonial) house situated at Shiv Nagar, Kuchera, District Nagaur. However, this order shall not preclude the in-laws/petitioner, from seeking their (wives) ouster, strictly in accordance with law.

(b) It is made clear that the present order is being passed, only to restore the *status quo ante* in regard to residential accommodation for the wives, as per the agreement arrived at between the parties, during the mediation proceedings dated 21.11.2022; the same, will however, not accrue any unfettered right in favour of the wives in regard to their stay in the house

in question.

(c) The parties shall be free to stake their respective claim(s) in regard to the property in question, strictly in accordance with law.

(d) It is further made clear that the mediation proceeding(s) stand nullified, in view of the final stand taken by all the parties.

10. All pending applications stand disposed of."

3. After issuance of notice, several attempts were made for reconciliation between the parties, but of no avail and the attempt remained unsuccessful. On perusal of the facts and the merits, the relief as prayed in the Writ Petition was not maintainable. Therefore, the High Court has rightly dismissed the petition with the above observations. As discussed, in our view, the Writ Petition filed by the petitioner seeking direction to the authorities to get vacated the premises from respondents cannot be maintained and is rightly dismissed the writ petitions.

4. In view of the above we are not inclined to interfere with the order impugned in this special leave petitions,

however, dismissal of these special leave petitions would not debar the parties to take recourse of law as permissible to them before appropriate forum.

5. Ordered accordingly. The Special Leave Petitions are disposed of. Pending applications, if any, shall stand disposed of.

(GULSHAN KUMAR ARORA)
AR-CUM-PS

(NAND KISHOR)
COURT MASTER