

Kishore Samrite v. State of U.P. & Ors. (2012) | 04 Oct 2024

Introduction

- This is a landmark judgment which lays down the principles to be observed to prevent the abuse of process of Court.
- This judgment was delivered by a 2-judge bench comprising of Justice BS Chauhan and Justice Swatanter Kumar.

Facts

- Shri Kishore Samrite (Appellant) is an ex-member of legislative assembly of Madhya Pradesh.
- He filed a writ petition in the High Court of Allahabad acting as next friend of one Sukanya Devi, Balram Singh and Sumitra Devi.
- It was alleged by the Appellant that three persons were kept in illegal detention by the Respondent No 6 and were incapacitated to file the writ petition.
- The writ petition contained news items that stated that on the night of 3rd December 2006, Respondent no 6 along with his six friends committed rape on Sukanya Devi (daughter of Balram Singh).
- It was the specific averment of Appellant that the three persons were not seen in public for a long time particularly since 4th January 2007 when they were last seen in Amethi.
- The Appellant therefore invoked the right to life and personal liberty enshrined under Article 21 of the Constitution of India, 1950 (COI) on behalf of three named petitioners in the writ petition and prayed for issuance of writ of habeas corpus.
- Before the above writ was filed a person named Ram Prakash Shukla (a practising advocate at Lucknow) had earlier filed a writ petition on the same facts.
- This writ petition was dismissed by a detailed judgment.
- The present writ petition was transferred to the Division Bench without giving opportunity of hearing to the appellant.
- When the present writ petition came before the Division Bench of Allahabad High Court the Court directed teh Director, Central Bureau of Investigation to register the case agaisnt Kishore SAMrite and other persons who were involved in framing the Respondent.
- It is against the above order that the present appeal was filed before the Supreme Court. It was the contention of the Appellant that he was not given an opportunity of being heard by the Bench before passing the order.

Issue Involved

- Whether there was violation of principles of natural justice?
- Whether there was abuse of process of Court?
- Whether there existed locus standi in this case?

Observations

- **With respect to Issue (i)**
 - Principle of audi alteram partem and other allied principles of natural justice is the basic requirement of rule of law
 - Settled canons of law prescribe adherence to the rule of law with due regard to the prescribed procedures.
 - The Court cited various judgments of this Court where it was held that matters relating to the roster and constitution of the Benches fell within the exclusive domain of the Chief Justice of the concerned High Courts.
 - The Court held that in the present case the transfer of writ petition was an order lacking administrative propriety and from the record of the case it was clear that adequate hearing was not provided to the writ petitioners.
- **With Respect to Issue (ii):**
 - The Court held that the entire journey of a Judge is to discern the truth from the pleadings, documents and arguments of the parties, as truth is the basis of the Justice Delivery System.
 - The Court held that it is the legal duty of the Court to take active role in the proceedings and reach the truth which is the foundation of administration of justice.
 - While approaching the litigant must state correct facts and come to the Court with clean hands.
 - A litigant is bound to make full and true disclosure of facts.
 - Another settled canon of administration of justice is that no litigant should be permitted to misuse the judicial process by filing frivolous petitions.
 - The Court held that in the present case there were clearly falsehoods and the intention of the appellant to misguide the Courts by filing frivolous petitions.
- **With Respect to Issue (iii):**
 - The issue of locus standi is normally both a question fact and law.
 - The foundation of the writ petition in this case are untrue allegations.
 - Ordinarily, the party aggrieved by any order has the right to seek relief by questioning the legality, validity or correctness of that order. There could be cases where a person is not directly affected but has some personal stake in the outcome of a petition. In such cases, he may move the Court as a guardian or next friend for and on behalf of the disabled aggrieved party.
 - Normally, a total stranger would not act as next friend.
 - The Court held that a person who brings a petition even for invocation of a fundamental right must be a person having some direct or indirect interest in the outcome of the petition on his behalf or on behalf of some person under a disability and/or unable to have access to the justice system for patent reasons.
 - In the present case, both the appellant and respondent No.8 are total strangers to the three mentioned petitioners.
 - Thus, the Court held that in the present case the petitioners had no locus standi.

- The Court finally held that there was that there was misuse of judicial process of Court.
- It was observed by the Court that a petition styled as a public interest litigation is nothing but a camouflage to foster personal disputes.
- The Court finally gave the following directions in this case:
 - The writ was driven by malice and political vendetta.
 - Teh next friend approached the Court with clean hands without misusing the judicial process.
 - There is not even an iota of evidence to support the finding that Respondent no 6 has committed any act alleged by the petitioner.

Conclusion

- This judgment lays down the duty of the Court to discover the truth.
- The Court in this case laid down the importance of coming to the Court with clean hands and deprecated the practise of using legal redressal for meeting political ends.