

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.366 OF 2018
(Arising out of S.L.P.(CrI.) No.5777 of 2017)

Shafin Jahan

Appellant(s)

Versus

Asokan K.M. and Others

Respondent(s)

O R D E R

Leave granted.

Heard Mr. Kapil Sibal and Ms. Indira Jaising, learned senior counsel along with Mr. Haris Beeran, learned counsel for the appellant, Mr. Maninder Singh, learned Additional Solicitor General for the National Investigation Agency (NIA) and Mr. Shyam Divan, learned senior counsel along with Ms. Madhavi Divan, learned counsel for respondent No.1.

The reasoned judgment will follow. The operative part of the order reads as follows:-

Considering the arguments advanced on both sides, in the facts of the present case, we hold that the High Court should not have annulled the marriage between appellant No.1,

Shafin Jahan and respondent No.9, Hadiya alias Akhila Asokan, in a Habeas Corpus petition under Article 226 of the Constitution of India. We say so because in the present appeal, by special leave, we had directed the personal presence of Hadiya alias Akhila Asokan; she appeared before this Court on 27th November, 2017, and admitted her marriage with appellant No.1.

In view of the aforesaid, the appeal stands allowed. The judgment and order passed by the High Court is set aside. Respondent No.9, Hadiya alias Akhila Asokan is at liberty to pursue her future endeavours according to law. We clarify that the investigations by the NIA in respect of any matter of criminality may continue in accordance with law.

.....CJI.
[Dipak Misra]

.....J.
[A.M. Khanwilkar]

.....J.
[Dr. D.Y. Chandrachud]

New Delhi,
March 08, 2018.

ITEM NO.1

COURT NO.1

SECTION II-B

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

Petition(s) for Special Leave to Appeal (CrI.) No.5777/2017

(Arising out of impugned final judgment and order dated 24-05-2017 in WPCRL No. 297/2016 passed by the High Court of Kerala at Ernakulam)

SHAFIN JAHAN

Petitioner(s)

VERSUS

ASOKAN K.M. & ORS.

Respondent(s)

(With appln.(s) for exemption from filing c/c of the impugned judgment, intervention/impleadment, appropriate orders/directions, permission to file additional documents, exemption from filing O.T. and clarification/direction)

Date : 08-03-2018 These matters were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE DR. JUSTICE D.Y. CHANDRACHUD

For Petitioner(s) Mr. Kapil Sibal, Sr. Adv.
Ms. Indira Jaising, Sr. Adv.
Mr. Haris Beeran, Adv.
Mr. Mushtaq Salim, Adv.
Mr. Usman Ghani Khan, Adv.
Mr. Dev Prakash, Adv.
Mr. K.P. Mohamad Shareef, Adv.
Mr. K.C. Naseer, Adv.
Mr. A. Mohamed Yusuf, Adv.
Mr. S.A.S. Alaudeen, Adv.
Mr. M. Abdul Shukoor, Adv.
Ms. Pallavi Pratap, AOR
Ms. Nehmat Kaur, Adv.

For Respondent(s) Mr. Maninder Singh, ASG
Mr. Nalin Kohli, Adv.
Mr. R. Balasubramanian, Adv.
Mr. Prabhas Bajaj, Adv.
Mr. Ankit Roy, Adv.
Ms. Nimisha Menon, Adv.
Mr. Akshay Amritanshu, Adv.
Mr. Neel Kamal, Adv.
Mr. B. V. Balaram Das, AOR

Mr. P. A. Noor Muhamed, AOR
Ms. Giffara S., Adv.
Mr. Bilal Niamathulla, Adv.

Mr. Shyam Divan, Sr. Adv.
Mr. Madhavi Divan, Adv.
Mr. A. Raghunath, AOR
Mr. C. Rajendran, Adv.
Mr. M.G. Yogamaya, Adv.
Ms. Nidhi Khanna, Adv.
Mr. Ayush Puri, Adv.

Mr. Jaideep Gupta, Sr. Adv.
Mr. C. K. Sasi, AOR
Mr. Manukrishnan G., Adv.
Ms. Nayantara Roy, Adv.

Ms. Aishwarya Bhati, AOR
Mr. T. Gopal, Adv.
Ms. Vaidruti Mishra, Adv.
Mr. Vishwajeet Singh, Adv.

Mr. Jaideep Singh, Adv.
Mr. Rakesh Mudgil, Adv.
Gp. Capt. Karan Singh Bhati, AOR

Mr. Sayid Marzook Bafari, Adv.
Mr. Faisal M. Aboobaker, Adv.
Mr. Towseef Ahmad Dar, Adv.

Mr. P. V. Dinesh, AOR

Ms. Swarupama Chaturvedi, AOR
Ms. Bhawna Singh Dev, Adv.
Mr. B.N. Dubey, Adv.

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

Leave granted.

The appeal is allowed in terms of the signed order.

The reasoned judgment will follow.

(Chetan Kumar)
Court Master

(Signed order is placed on the file)

(H.S. Parasher)
Assistant Registrar