Redacted by NyayVidhan (private matrimonial matter): the appellant's name (shown as A.R. on nyayvidhan.in) and the date of his complaint in paragraph 4 are withheld. Text otherwise as issued by the Court.

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S). OF 2026
(@ SLP(C) NO(S). 16812/2026)

...Appellant

VERSUS

THE STATE OF RAJASTHAN & ORS. ...Respondents

O R D E R

1. Leave granted.

2. Despite notice having been served in pursuance of the earlier order of this Court dated 06.08.2026, the detenue - wife has not chosen to appear before this Court.

3. The present appeal has been filed against the impugned order dated 14.10.2025, passed by the High Court of Judicature for Rajasthan at Jodhpur in D.B. Habeas Corpus Petition No. 432/2025, whereby the High Court initiated criminal proceedings against the appellant for filing a false affidavit before the High Court.

4. The learned counsel appearing for the appellant submits

Signature Not Verified
Digitally signed by RADHA SHARMA
Date: 2026.11.21 12:53:08 IST
Reason:

that the appellant is an illiterate person, and after making efforts to trace the whereabouts of the detenue - wife, he initially filed a complaint dated . However, despite the aforesaid efforts, the detenue could not be traced and ultimately, a Habeas Corpus Petition No. 432/2025 was filed before the High Court, when admittedly, the detenue was living with her parents.

5. We have heard the learned counsel appearing for the petitioner.

6. The issue before us is only with respect to the direction issued in by the High Court to register an FIR against the appellant for filing a false affidavit.

7. We find force in the submissions of the learned counsel appearing for the appellant, as it was the detenue, who left the matrimonial home, a fact which has been duly recorded by the Court in the impugned judgment itself. Therefore, the appellant cannot be faulted for filing the Habeas Corpus Petition.

8. In such view of the matter, the direction issued to register the FIR against the appellant cannot be sustained. Therefore, the impugned direction issued by the High Court to register the FIR as well as the consequent direction to pay

maintenance of Rs. 1500/- per month each to the detenue and his child, stands set aside particularly, when she left the matrimonial home on her own volition.

9. We also take note of the fact that the detenue is not willing to agitate her case before us, despite notice having been served upon her.

10. In lieu of the aforesaid, the FIR filed in compliance of the order of the Division Bench stands quashed.

11. The appeal stands allowed, accordingly.

12. Pending application(s), if any, shall stand disposed of.

……J.
(M.M. SUNDRESH)

……J.
(PRASANNA B. VARALE)

NEW DELHI;
NOVEMBER 17, 2026

ITEM NO.21 COURT NO.3 SECTION XV

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 (C) No(s). 16812/2026
[Arising out of impugned final judgment and order dated 14-10-2025 in DBHCP No. 432/2025 passed by the High Court of Judicature for Rajasthan at Jodhpur]

Petitioner(s)

VERSUS

THE STATE OF RAJASTHAN & ORS. Respondent(s)

(IA No. 128056/2026 - CONDONATION OF DELAY IN FILING
IA No. 128055/2026 - EXEMPTION FROM FILING O.T.
IA No. 128054/2026 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 17-11-2026 This matter was called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE M.M. SUNDRESH
HON'BLE MR. JUSTICE PRASANNA B. VARALE

For Petitioner(s) Mr. Vikas Singh Jangra, AOR

For Respondent(s) Ms. Aneesha Rastogi, Adv.
Mr. Saurabh Rajpal- 3577, AOR

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

1. **Delay condoned. Applications for exemption from filing O.T. and for permission to file additional documents/facts/annexures are allowed.**

2. **Leave granted.**

3. **The appeal stands allowed in terms of the signed order.**

4. Pending application(s), if any, shall stand disposed of.

(RADHA SHARMA) **(POONAM VAID)**
ASTT. REGISTRAR-cum-PS **ASSISTANT REGISTRAR**

(Signed order is placed on the file)