

ITEM NO.44

COURT NO.1

SECTION PIL-W

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

Writ Petition(s)(Criminal) No(s). 398/2024

POOJA SHARMA

Petitioner(s)

VERSUS

UNION OF INDIA &amp; ANR.

Respondent(s)

(FOR ADMISSION)

Date : 14-10-2024 This petition was called on for hearing today.

CORAM : HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE J.B. PARDIWALA  
HON'BLE MR. JUSTICE MANOJ MISRA

For Petitioner(s) Mr. Puru Mudgil, Adv.  
Mr. Ayush Saxena, Adv.  
Mr. Akash Vajpai, Adv.  
Mr. Anoop Prakash Awasthi, AOR

For Respondent(s)

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

- 1 The grievance of the petitioner is that the provisions contained in Section 377 of the IPC have not been incorporated in the corresponding provisions of the Bhartiya Nyaya Sanhita. The petitioner, therefore, seeks the invocation of the jurisdiction of this Court under Article 142 of the Constitution.
- 2 This Court cannot, by recourse to its powers under Article 142 of the Constitution, direct that a particular act constitutes an offence. Such an exercise falls under Parliamentary domain.
- 3 Hence, it is not possible to entertain the Petition under Article 32 of the

Constitution. However, if the petitioner perceives that there is a lacunae in the law, it will be open to her to move a representation before the Union Government for appropriate redressal.

- 4 The Writ Petition is accordingly dismissed.
- 5 Pending applications, if any, stand disposed of.

**(GULSHAN KUMAR ARORA)**  
**AR-CUM-PS**

**(SAROJ KUMARI GAUR)**  
**ASSISTANT REGISTRAR**