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Written by [Ananthakrishnan G](#) [Follow](#)

New Delhi | Updated: September 18, 2024 01:02 IST



Eight more civilians were killed after security forces allegedly opened fire after the incident triggered violence in the area. (Express file photo)

The Supreme Court on Tuesday closed all further proceedings in pursuance of the FIR filed against 30 army personnel accused in a botched up [operation in Nagaland in 2021](#) , which left 13 civilians killed.

A bench of Justices Vikram Nath and P B Varale said that Nagaland being a state where the Armed Forces (Special Powers) Act, 1958, is in operation, sanction from the competent authority was necessary under Section 6 of the Act to prosecute the armed forces personnel.

By order dated February 28, 2023, the competent authority had declined to grant the sanction.

“...in view of the specific bar contained in Section 6 of the AFSP Act, 1958 which provides that no prosecution, suit, or other legal proceedings can be instituted except with the previous sanction of the Central government with respect to the exercise of any power conferred under the said Act, the proceedings based on the

impugned FIRs cannot continue any further. The interim order, granted by the order dated 19.07.2022, deserves to be made absolute, and the proceedings arising from the impugned FIRs deserve to be quashed”, the court ordered.

Hearing petitions filed by the wives of two of the personnel, the court had on July 19, 2022, stayed the proceedings pursuant to the [FIR](#).

Nagaland Advocate General K N Balagopal told the court that the State has already assailed the correctness of the order dated February 28, 2023, passed by the competent authority, declining sanction under Section under the AFSP Act, 1958. He submitted that if the said writ petition is allowed, and the rejection of sanction is set aside and the Court either grants sanction or for fresh decision by the competent authority, which may ultimately result into a sanction under Section 6 of the AFSP Act, 1958, the proceedings pursuant to the FIR may continue.



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Agreeing, the bench said, “We have no manner of doubt that, in case, if ultimately at some stage, sanction is granted under Section 6 of the AFSP Act, 1958, the proceedings pursuant to the impugned FIRs are liable to be continued”.

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**Ananthakrishnan G**

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Ananthakrishnan G. is a Senior Assistant Editor with The Indian Express. He has been in the field for over 23 years, kicking off his journalism career as a freelancer [... Read More](#)

First uploaded on: 17-09-2024 at 12:24 IST