

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 730 OF 2023
(@ SLP (CRL.) NO. 201/2023)

ANKIT KUMAR SINGH & ANR.

APPELLANT(S)

VERSUS

STATE OF MADHYA PRADESH & ANR.

RESPONDENT(S)

O R D E R

Leave granted.

We have heard learned counsel for the parties.

This appeal is directed against the order dated 15.12.2022 passed by the High Court of Madhya Pradesh at Indore vacating the interim order dated 17.11.2022 in MCRC No. 45457 of 2021.

The petition was filed before the High Court seeking quashing of the FIR No.438 dated 06.08.2021 under Section 406 IPC registered at Police Station Civil Lines, District Dewas, Madhya Pradesh. The challenge was made basically on the ground that it is a civil dispute between the parties.

The High Court while entertaining the 482 petition granted interim order to the appellants which was subsequently vacated by the impugned order, as the learned counsel for the petitioners therein was not available to argue the matter.

We are of the considered opinion that such an order is not liable to be sustained. In case, learned counsel for the petitioner(s)/appellant(s) is not available to argue the matter, the litigant cannot be penalized for the same.

In such view of the matter, we set aside the order dated 15.12.2022 and remit the matter back to the High Court to be decided afresh on merits expeditiously in accordance with law after giving opportunity of hearing to the parties. The proceedings are pending since 2021 as such it is expedient that the High Court may make all endeavour to decide the same within a period of two months from the date of receipt of the certified copy of this order.

The interim order dated 17.11.2022 passed by the High Court shall continue to remain in operation till the disposal of the petition by the High Court.

With the aforesaid observations and directions, the appeal stands disposed of. Pending application(s), if any, also stand disposed of.

.....J.
(KRISHNA MURARI)

.....J.
(AHSANUDDIN AMANULLAH)

NEW DELHI
03rd MARCH, 2023

ITEM NO.41

COURT NO.13

SECTION II-A

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 (Cr1.) No(s). 201/2023

(Arising out of impugned final interim dated 15-12-2022 in MCRC No. 45457/2021 passed by the High Court Of M.P At Indore)

ANKIT KUMAR SINGH & ANR.

Petitioner(s)

VERSUS

STATE OF MADHYA PRADESH & ANR.

Respondent(s)

(IA No. 2832/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT IA No. 2834/2023 - EXEMPTION FROM FILING O.T.)

WITH

Diary No(s). 6852/2023 (II-A)

(IA No.36689/2023-CONDONATION OF DELAY IN FILING and IA No.36684/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.36686/2023-EXEMPTION FROM FILING O.T. and IA No.36688/2023-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 03-03-2023 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE KRISHNA MURARI

HON'BLE MR. JUSTICE AHSANUDDIN AMANULLAH

For Petitioner(s) Mr. Aldanish Rein, AOR

For Respondent(s) Mr. Pashupathi Nath Razdan, AOR
Mr. Nirmal Kumar Ambastha, Adv.
Mr. Astik Gupta, Adv.Ms. Anuja Pethia , AOR
Mr. Noor Shergill, Adv.
Mr. Subhashish Kumar, Adv.UPON hearing the counsel the court made the following
O R D E RSLP (Cr1.) No. 201/2023

Leave granted.

The appeal stands disposed of in terms of the

signed order. Pending application(s), if any, also stand disposed of.

Diary No. 6852/2023

Learned counsel appearing for the petitioner states that he does not wish to press the present petition.

The special leave petition accordingly stands dismissed as not pressed.

(Geeta Ahuja)
Assistant Registrar-cum-PS

(Beena Jolly)
Court Master

(Signed Order in Cr1. A. No. 730/2023 is placed on the file)