

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

Criminal Appeal No. 941 of 2000@@
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(Arising out of SLP(Crl) No. 1198/2000)

Ramzan Khan ...Appellant (s)

Versus

Qadir Khan & Ors. ...Respondent(s)

O R D E R~@@
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Leave granted.

The High Court of Allahabad having interfered with an order passed by the Magistrate in a complaint case in exercise of its jurisdiction under Section 482 Cr.P.C., the complainant is before this Court.

On the basis of allegations made in the complaint cognizance had been taken under Sections 419, 420, 363 and 365 IPC. On an application being filed before the High Court invoking its jurisdiction under Section 482 Cr.P.C., the High Court referred to the pending suit (Original Suit No.676/94) and came to the conclusion that the complaint had been filed on false facts as per admission of opposite party No.2 in the civil suit and the complaint appears to be mala fide. This conclusion of the High Court, on the face of it, is not supported by any materials and at that stage it was not open for the High Court to quash the complaint in exercise of power under Section 482 Cr. P.C. which is required to be exercised sparingly and having examined the assertions made in the ...2

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complaint, we are not in a position to sustain the conclusion of the High Court, as aforesaid.

In the aforesaid premises, the impugned order of the High Court is set aside. The Magistrate is directed to proceed with the Complaint Case as expeditiously as possible. The appeal stands disposed of accordingly.

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(G.B. PATTANAIK)@@
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November 06, 2000.

(U.C. BANERJEE)@@
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ITEM No.39

Court No. 3

SECTION II
A/N MATTER

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 (Crl.) No. 1198/2000

(From the judgement and order dated 12/01/2000 in CRLMA 3811/98
of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

RAMZAN KHAN

Petitioner (s)

VERSUS

QADIR KHAN & ORS.

Respondent (s)

(With Appln(s). for stay)

Date : 06/11/2000 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.B. PATTANAİK
HON'BLE MR. JUSTICE U.C. BANERJEE

For Petitioner (s) Mr. N.P. Midha, Adv.
Mr. Bharat Sangal, Adv.

For Respondent (s) Mr. Anis Ahmed Khan, Adv.
Mr. Praveen Swarup, Adv.
Mr. Pramod Swarup, Adv.

UPON hearing counsel the Court made the following
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Leave granted.
Appeal stands disposed of accordingly.

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(J.S. Rawat)
Court Master

(Suneet Bala Sharma)
Court Master

(Signed order is placed on the file)