

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl) No(s).951/2007

(From the judgement and order dated 10/01/2007 in CRL.Misc. No. 51153/2006 of The HIGH COURT OF PATNA)

TETRI DEVI @ TETRA DEVI

Petitioner(s)

VERSUS

STATE OF BIHAR & ANR.

Respondent(s)

(With appln(s) for stay and exemption from filing O.T. and office report)
[FOR FINAL DISPOSAL]

Date: 31/07/2009 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE V.S. SIRPURKAR

HON'BLE DR. JUSTICE B.S. CHAUHAN

For Petitioner(s) Mr. M.P. Jha,Adv.

Mr. Ram Ekbal Roy,Adv.

Mr. Harshvardhan Jha,Adv.

For Respondent(s) Mr. Gopal Singh,Adv.

Mr. Anuj Prakash,Adv.

Mr. Alok Kumar ,Adv

Mr. Santosh Mishra,Adv.

UPON hearing counsel the Court made the following
ORDER

Special leave granted.

The appeal is disposed of in terms of the signed order.

(Sunil Kumar)

A.R.-Cum-P.S.

(Shashi Bala Vij)

Court Master

(Signed order is placed on the file)

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO.1396 OF 2009
[ARISING OUT OF SLP (CRL.) NO.951 OF 2007]

Tetri Devi @ Tetra Devi

... Appellant

Versus

State of Bihar & Anr.

... Respondents

ORDER

Special leave granted.

Original complainant has come up against the order passed by the High Court quashing the proceedings and the complaint filed by the complainant-the appellant herein before the Judicial Magistrate, 1st Class, Bhojpur, who took the cognizance on the basis of the evidence led before the Court and issued a summons for the offence under Section 376 of the Indian Penal Code. It is at that stage the accused persons challenged this order before the High Court when the High Court interfered and quashed the whole proceedings on the ground that it was doubtful as to why the complainant would keep silent for substantial length of time. When we see the impugned judgment of the High Court, it is clear that the High Court has recorded some findings which it could not have recorded in its jurisdiction under Section 482, Cr.P.C. The High Court has gone into the appreciation of evidence even before any evidence was led and has commented that the story put forward by the complainant could not be true. In our opinion, the High Court has clearly exceeded its jurisdiction in quashing the complaint. The parameters of Section 482, Cr. P.C. have been explained by us in State of Haryana & Ors. v. Bhajan Lal & Ors. [1992 Suppl.(1) 335]. We do not see any

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justification in the whole proceedings being quashed on the grounds indicated by the High Court. We, therefore, set aside the order of the High Court and restore that of the trial court. The matter shall proceed now in accordance with law before the trial court. However, any observations made in this order shall be ignored in the further proceedings.

In view of the above, the appeal will stand disposed of accordingly.

.....J.
[V.S. SIRPURKAR]

.....J.
[Dr. B.S. CHAUHAN]

New Delhi,
July 31, 2009.