

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

Criminal Appeal No(s).2250/2026
[@SLP (CrI.) No.2328/2026]

HAR PRASAD KAIN

APPELLANT(S)

VERSUS

STATE OF U.P. & ANR.

RESPONDENT(S)

O R D E R

1. The respondent no.2 (original complainant) although served with the notice issued by this Court yet has chosen not to remain present before this Court either in person or through an advocate.

2. We heard Mr. Shahid Anwar, the learned counsel appearing for the petitioner (original accused) and Mr. Vikas Bansal, the learned counsel appearing for the State of Uttar Pradesh.

3. Leave granted.

4. This appeal arises from the order passed by the High Court of Judicature at Allahabad dated 03.11.2025 in a petition preferred by the respondent no.2 before us (original complainant) under Article 227 of the Constitution being petition no.12779/2025 by which the High Court allowed the petition and remitted the matter to the Trial Court.

5. It appears from the materials on record that the respondent no.2 lodged a private complaint in the Court of the Additional Chief Judicial Magistrate, Ghaziabad for the offence punishable under Sections 420 and 506 of the Indian Penal Code, respectively (for short, "the IPC"). The same came

to be registered as Complaint Case No.6958/2021.

6. The Court concerned took cognizance of the said complaint and issued summons to the present appellant.

7. The appellant before us thereafter preferred an application before the Trial Court with a prayer that he may be discharged from the complaint case as there was no *prima-facie* case against him.

8. The Trial Court allowed the discharge application and, accordingly, the appellant was discharged.

9. The complainant being dissatisfied went before the Sessions Court by way of a revision petition. The revision petition also came to be dismissed, thereby affirming the order passed by the Magistrate discharging the appellant.

10. Being dissatisfied, the complainant went before the High Court. The High Court passed the following impugned order:-

"1. Heard learned counsel for the petitioner, learned A.G.A. for the State- respondents, and perused the record.

2. The instant petition has been preferred assailing the impugned order dated 10.04.2025 passed by the learned Sessions Judge, Ghaziabad in Criminal Revision No. 12 of 2025 (Laxman v. State of U.P. and another). The aforesaid revision was filed against the order dated 06.11.2024 passed by the learned Additional Chief Judicial Magistrate, Ghaziabad in Complaint Case No. 6958 of 2021, under Sections 420, 506 I.P.C., Police Station Sihani Gate, District Ghaziabad, whereby the respondent no.2 (accused) was discharged under section 245(1) Cr.P.C. for non prosecution.

3. Learned counsel for the petitioner submits that the accused had remained absconding for almost a year and was subsequently enlarged on

bail by the trial court. It is further submitted that the petitioner/complainant could not appear before the trial court on 22.08.2024 and 13.09.2024 due to a strike in the trial court. Learned counsel contends that despite there being sufficient cause for non-appearance, the learned trial court arbitrarily, on the application moved by the accused, discharged the respondent no.2 (accused) for non-appearance of the petitioner which is wholly unjustified and contrary to law.

4. On the other hand, learned A.G.A. has not disputed the aforesaid submissions of the learned counsel for the petitioner.

5. After hearing learned counsel for the petitioner and upon perusal of the record, this Court finds substance in the submissions advanced. The impugned order dated 10.04.2025 passed by the learned Sessions Judge, Ghaziabad, as well as the order dated 06.11.2024 passed by the learned Additional Chief Judicial Magistrate, Ghaziabad, are hereby set aside. The complaint is directed to be restored to its original number and the learned trial court shall proceed with the matter in accordance with law, expeditiously.

6. Accordingly, the instant petition is allowed."

11. The impugned order passed by the High Court is bereft of any material particulars. There is no discussion worth the name as regards the case put up by the complainant, why the two courts below thought fit to discharge the accused and above all, why the High Court thought fit to remit the matter to the Trial Court.

12. *Prima-facie*, it appears on plain reading of the impugned order that the High Court wants the Trial Court to proceed with the complaint case on its own merits.

13. In the absence of any reasons in the impugned order, it is difficult for us to hear this matter further on merits.

14. In such circumstances, the impugned order passed by the High Court is set aside and the matter is remitted to the High Court for fresh consideration of the Article 227 petition bearing No.12779/2025.

15. The petition No.12779/2025 is ordered to be restored to its original file.

16. The High Court shall hear the matter afresh and pass a reasoned order.

17. With the aforesaid, the appeal stands disposed of.

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

..... J
[J.B. PARDIWALA]

..... J
[UJJAL BHUYAN]

NEW DELHI;
29TH APRIL, 2026

ITEM NO.20

COURT NO.7

SECTION II

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(s).2328/2026

[Arising out of impugned final judgment and order dated 03-11-2025 in MUA227 No. 12779/2025 passed by the High Court of Judicature at Allahabad]

HAR PRASAD KAIN

Petitioner(s)

VERSUS

STATE OF U.P. & ANR.

Respondent(s)

IA No. 41693/2026 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 41690/2026 - EXEMPTION FROM FILING O.T.

Date : 29-04-2026 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.B. PARDIWALA

HON'BLE MR. JUSTICE UJJAL BHUYAN

For Petitioner(s) : Mr. Md. Shahid Anwar, AOR
Mr. Md. Shahid Anwar, Adv.
Mr. Sumit Kain, Adv.
Mr. Vipul Singha, Adv.
Mr. Mohd Bilal, Adv.
Mr. Syed Rehan, Adv.
Ms. Triveni Potekar, Adv.

For Respondent(s) : Dr. Vijendra Singh, AOR
Mr. Vikas Bansal, Adv.
Ms. Ashwina Lakra, Adv.

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

1. Leave granted.
2. The appeal is disposed of in terms of the signed order which is placed on the file.

3. Pending application(s), if any, shall stand disposed of.

(HARPREET KAUR)
COURT MASTER (SH)

(POOJA SHARMA)
COURT MASTER (NSH)