

ü

SLP(Crl.)No. 1873 OF 2003

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.1442 OF 2003
[Arising out of S.L.P.(Crl.) No.1873 of 2003]

KANTA VAID & ORS.
.....
APPELLANT(S)

:VERSUS:

STATE & ORS.
.....
RESPONDENT(S)

WITH

CRIMINAL APPEAL NO.1443 OF 2003
[Arising out of S.L.P.(Crl.) No.2115 of 2003]

SANDEEP VAID
.....
APPELLANT(S)

:VERSUS:

STATE (GOVT. OF N.C.T. OF DELHI) & ORS.
.....
RESPONDENT(S)

O R D E R

Leave granted in both the matters.
Both these matters raise a common question and impugn a common order passed by the High Court, hence they have been heard together and they are being disposed of by this common order.

It appears that some criminal proceedings were initiated against the petitioners. They moved application under Section 482 Cr.P.C. before the High Court for quashing of the criminal case. However, the High Court took the view that the petition was premature since it would be open for the petitioners to raise any objection or point, they would like to raise at the time of framing of the charges and in case the order goes against them, they will still have remedy against such an order. We feel that the view taken by the High Court is erroneous. The petition under Section 482 Cr.P.C. could not be thrown away barely on the above noted ground.

In this view of the matter, we allow the appeals, set aside the impugned order passed by the High Court and send back the case, namely, the petition under Section 482 Cr.P.C. to the High Court for consideration on merits.

.....J
(BRIJESH KUMAR)

.....J
(ARUN KUMAR)
NEW DELHI,

DECEMBER 2, 2003.

ITEM No.41

Court No. 9

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. 1873/2003

(From the judgement and order dated 13/01/2003 in CRL 698/98
of The HIGH COURT OF DELHI AT N. DELHI)

KANTA VAID & ORS.

Petitioner (s)

VERSUS

STATE & ORS.

Respondent (s)

(With Appln(s). for stay)

WITH

SLP(Crl.) No.2115/2003

(With appln. for stay and exemption from c/c of the impugned Judgment)

Date : 02/12/2003 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE BRIJESH KUMAR
HON'BLE MR. JUSTICE ARUN KUMAR

For Petitioner (s)Mr. Rakesh Munjal, Sr. Adv.
Mr. Sudhir Nandrajog,Adv.

Ms. Suprita Chattopadyay,Adv.

Mr. P.S. Narsimha,Adv.
for M/s. P.S.N. & Co.,Advs.

For Respondent (s) Mr. L. Nageswara Rao, ASG
Ms. Alka Agarwal, Adv.
Ms. Anil Katiyar, Adv.

Mr. D.S. Mahra, Adv.

Mr. Anupam Lal Das, Adv.
Mr. Mukesh Gupta, Adv.

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

Leave granted.

The appeals are allowed in terms of the signed order.

(A.S. BISHT) (KANWAL SINGH)
COURT MASTER

COURT MASTER

[Signed order is placed on the file]