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ITEM NO.97

COURT NO.4

SECTION II

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (CrI) No(s).3182-3183/2013
(From the judgement and order dated 24/01/2013 in SBCRM No.1117/2012,SBCRM
No.3524/2012 of the HIGH COURT OF RAJASTHAN AT JAIPUR)

RAMJILAL

Petitioner(s)

VERSUS

THE STATE OF RAJASTHAN & ORS.
(With office report)

Respondent(s)

Date: 22/10/2013 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE H.L. DATTU
HON'BLE MR. JUSTICE M.Y. EQBAL

For Petitioner(s) Ms. Shobha,Adv.
Ms.Jyoti Rana,Adv.

For Respondent(s) Ms.Sonia Mathur, Adv.
State Mr.Rajat Soni, Adv.
for Ms. Pragati Neekhara,Adv.

R.No.3 Mr.K.T.S.Tulsi, Sr.Adv.
Mr.Gaurave Bhargava, Adv.
Mr. Amit Sharma ,Adv

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

These Special Leave Petitions are directed against the judgment and order passed by the High Court of Judicature for Rajasthan at Jaipur Bench, Jaipur in S.B.Criminal Miscellaneous Petition Nos.1117 and 3524 of 2012, dated 24.01.2013. By the impugned judgment and order, the High Court has exercised its extra-ordinary powers under Section 482 of the Criminal Procedure Code, 1973 (for short, 'the Cr.P.C.') and has quashed the F.I.R. as well as the order of cognizance taken by the learned Magistrate for the offence punishable under Section 306 read with Section 120-B of the Indian Penal Code (for short, 'the I.P.C.') against respondent no.3-herein.

Aggrieved by the order so passed the complainant-Brother of the deceased-Shri Laxman Meena is before us challenging the correctness and otherwise of the order so passed by the High Court.

We have heard Ms.Shobha, learned counsel for the petitioner-complainant and Shri K.T.S.Tulsi, learned senior counsel for the respondent No.3-accused. We have also heard the learned counsel appearing for the State of Rajasthan.

We have carefully perused the complaint filed by the complainant and also the suicide note. We have also looked into the statements made not only by the family members but also by the colleagues working with the deceased.

We do not intend to notice the facts in detail nor we intend to advert to the lengthy arguments canvassed by Shri K.T.S.Tulsi, learned senior counsel appearing for respondent No.3-accused, for the sole reason that any observations made by us may prejudice the case of respondent no.3 before the learned trial Judge.

After carefully going through the complaint as well as the suicide

note and other related documents that are produced along with the Special Leave Petition(s), we are of the considered view that the High Court, in exercise of its powers under Section 482 Cr.P.C., ought not to have quashed the F.I.R. and the order of cognizance that was taken by the learned Magistrate against respondent No.3 for the offence under Section 306 of the I.P.C.

In view of the above and in the peculiar facts and circumstances of the case, we allow these petition(s) and set aside the impugned judgment and order passed by the High Court.

We now direct the learned trial Judge to proceed with the trial in accordance with law, without being influenced by any one of the observations made by the High Court or by this Court and complete the trial as expeditiously as possible, at any rate, within a year's time from today.

All the contentions of the parties are left open.
Ordered accordingly.

(G.V.Ramana)
Court Master

(Vinod Kulvi)
Asstt.Registrar