

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

RECORD OF PROCEEDINGS

CRIMINAL APPEAL NO. 564 OF 2004

KEDAR PRASAD VERMA

Appellant (s)

VERSUS

DHARAMVEER TIRTHANI & ANR.

Respondent(s)

(With office report)

Date: 15/12/2004 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. AGRAWAL

HON'BLE MR. JUSTICE H.K. SEMA

For Appellant(s)

Mr. S.K. Gambhir, Sr. Adv.

Mr. Anil K Sharma, Adv.

Mr. T.N. Singh, Adv.

For Respondent(s)

Ms. Rekha Pandey, Adv.

Mr. R.S. Nagar, Adv.

Mr.R.P. Gupta, Sr. Adv.

Mr. Sether Kumar, Adv.

Ms. Kamakshi S. Mehlwal ,Adv

UPON hearing counsel the Court made the following

O R D E R

The appeal is allowed and the impugned order is set aside. Now trial

Court shall proceed with trial in accordance with law.

[Charanjeet Kaur]

[Om Prakash]

Court Master

Court Master

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 564 OF 2004

Kedar Prasad Verma

.. Appellant(s)

Versus

Dharamveer Tirthani & Anr.

.. Respondent(s)

O R D E R

Heard learned counsel for the parties.

By the impugned order, the High Court of Madhya Pradesh has quashed

prosecution of all the three accused persons, including respondent No. 1 -Dharamveer

Tirathani. All the accused persons were made accused in a case under Sections 294, 323 and

506-B of the Indian Penal Code in which cognizance was taken and charges were framed. A

copy of the first information report has been placed for our perusal from which it is very clear

that an offence is made out against the accused persons. Nowhere it has been stated that

prosecution of the accused persons was barred under any law. It appears that High Court

has quashed the prosecution by usurping function of trial Court by recording a finding that

false case was filed. In our view, it was not a fit case for quashing the prosecution, once first

information report discloses an offence and there are sufficient grounds for proceeding against

the accused persons. For the foregoing reasons, we are of the view that the High Court was not justified in quashing the prosecution.

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Accordingly, the appeal is allowed and the impugned order is set aside. No w trial Court shall proceed with trial in accordance with law.

N. AGRAWAL]

.....J[B.

H.K. SEMA]

.....J [

NEW DELHI,

DECEMBER 15,2004.