

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 1726 OF 2022
(Arising out of SLP (Criminal) No.3598 of 2022)

SUBASHINI

Appellant(s)

VERSUS

K. KATHIRVEL & ORS.

Respondent(s)

ORDER

Leave granted.

Without much elaboration, suffice it to observe for the present purpose that the impugned order dated 04.10.2021, as passed by the Madurai Bench of Madras High Court remains questionable on fundamentals and is difficult to be approved.

In the Criminal Petition under Section 482 of the Code of Criminal Procedure, 1973, filed by the respondent No. 1 of this appeal in the High Court, the prayer had been for directions to the respondent No. 2 i.e., the Sub Inspector of Police, not to harass in relation to the complaint given by the present appellant.

What the High Court has ordered and directed on such a prayer reads as under:

"4. Since it is business transaction dispute between the parties, the respondent police has no role to play. There shall be a direction to the respondent police to advise the parties to approach the concerned Forum through appropriate proceedings, and close the enquiry.

5. With the above direction, this Criminal Original Petition is disposed of."

With respect, we are unable to approve the approach of the High Court and the observations and directions above-quoted. If the High Court was of the view that the proceedings under the complaint cannot be taken further, specific reasons in that regard ought to have been assigned. However, there appears no justification in issuing "directions" to the police to "advise" the parties to approach the concerned forum.

Having regard to the circumstances that the parties are having various issues to raise, we deem it appropriate to set aside the order impugned and to restore the matter for reconsideration by the High Court.

Accordingly, the impugned order is set aside and Criminal O.P. (MD) No. 14963 of 2021 is restored for reconsideration by the High Court.

The parties through their respective counsel shall stand at notice to appear before the High Court on 22.11.2022.

The appeal stands disposed of, accordingly.

All pending applications also stand disposed of.

.....J.
[DINESH MAHESHWARI]

.....J.
[BELA M. TRIVEDI]

NEW DELHI;
SEPTEMBER 30, 2022.

ITEM NO.39

COURT NO.9

SECTION II-C

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 (CrI.) No. 3598/2022

(Arising out of impugned final judgment and order dated 04-10-2021 in CRLP(MD) No. 14963/2021 passed by the High Court Of Judicature At Madras At Madurai)

SUBASHINI

Petitioner(s)

VERSUS

K. KATHIRVEL & ORS.

Respondent(s)

(IA No. 56750/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No. 56756/2022 - EXEMPTION FROM FILING O.T.)

Date : 30-09-2022 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DINESH MAHESHWARI

HON'BLE MS. JUSTICE BELA M. TRIVEDI

For Petitioner(s) Mr. S. C. V. Vimal Pani, Adv.
Mr. A. Lakshminarayanan, Adv.
Mr. Subratha Roy, Adv.
Mr. Abbas. B, Adv.
M/S. Vimalpani & Co., AOR

For Respondent(s) Mr. Beno Bencigar, Adv.
Mr. Parijat Kishore, AOR

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

Leave granted.

The impugned order dated 04.10.2021 is set aside and Criminal O.P. (MD) No. 14963 of 2021 is restored for reconsideration by the High Court.

The parties through their respective counsel shall stand at

notice to appear before the High Court on 22.11.2022.

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

All pending applications also stand disposed of.

(SNEHA DAS)
SENIOR PERSONAL ASSISTANT

(RANJANA SHAILEY)
COURT MASTER (NSH)