

ITEM NO.50

COURT NO.4

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). 2547/2016
(ARISING OUT OF IMPUGNED FINAL JUDGMENT AND ORDER DATED 03/03/2016
IN AN NO. 2323/2016 PASSED BY THE HIGH COURT OF JUDICATURE AT
ALLAHABAD)

SHASHANK SINGH @ SHASHANK THAKUR & ORS.

PETITIONER(S)

VERSUS

STATE OF UP & ANR.

RESPONDENT(S)

(WITH APPLN. (S) FOR EXEMPTION FROM FILING O.T.)

Date : 23/01/2017 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE RANJAN GOGOI
HON'BLE MR. JUSTICE ASHOK BHUSHAN

For Petitioner(s)

Mr. Gaurav Jain, Adv.
Ms. Abha Jain, Adv.
Mr. Jaivir Singh, Adv.

For Respondent(s)

Mr. Garvesh Kabra, Adv.
Mr. Ajay Singh, Adv.
Mr. Adarsh Upadhyay, Adv.

Mr. Aftab Ali Khan, Adv.

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

Exemption from filing O.T. is granted.

Leave granted.

The appeal is allowed in terms of the signed order.

[VINOD LAKHINA]
COURT MASTER

[ASHA SONI]
COURT MASTER

[SIGNED ORDER IS PLACED ON THE FILE]

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO.165 OF 2017
[Arising out of Special Leave Petition
(Criminal) No.2547/2016]

SHASHANK SINGH @ SHASHANK THAKUR
& ORS. . . . APPELLANTS

VERSUS

STATE OF UP & ANR. . . . RESPONDENT

ORDER

1. Leave granted.
2. We have heard the learned counsels for the parties.
3. The challenge in the present appeal is against the order of the High Court of Allahabad dated 03rd March, 2016 by which the High Court has refused to quash the criminal proceedings against the

appellants.

4. The sole contention advanced before us at the hearing is that in respect of co-accused Devendra Singh the High Court had entertained the quashing petition filed by the said co-accused and has directed stay of the proceedings. A reading of the order of the High Court would go to show that the case of Devendra Singh was distinguished by the High Court on the ground that Devendra Singh was a Police Officer and he has suffered injuries.

5. Learned counsel for the appellants submits that the accused appellants have also suffered injuries in the incident and a separate First Information Report has been filed by the mother of the appellants Nos. 1 and 2 on the basis of which Case Crime No.45 of 2013 was registered. He has

also drawn the attention of the Court to the injury report of the appellant No.1 to substantiate the contention with regard to the injuries suffered by him. In these circumstances, the FIR lodged against the appellants by the respondent No.2 is alleged to be a counter blast.

6. Having regard to the above facts we are of the view that the High Court ought to have entertained the quashing petition filed by the appellants and considered it along with the quashing petition filed by the co-accused Devendra Singh. We, therefore, allow the appeal; set aside the order of the High Court and request the High Court to consider the quashing petition filed by the appellants along with the quashing petition filed by the co-accused on merits. We make it clear that we have expressed no opinion on

merits. The High Court will be free to hear
and decide the same independently on
merits.

.....,J.
(RANJAN GOGOI)

.....,J.
(ASHOK BHUSHAN)

NEW DELHI
JANUARY 23, 2017