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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

RECORD OF PROCEEDINGS

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]

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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 03 rd
March, 2016 by which
the High Court has refused to quash the
criminal proceedings against the

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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

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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

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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