

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL No.1876 OF 2022  
(Arising out of SLP(CrI.)No.10869 of 2018)

STATE OF MADHYA PRADESH

... APPELLANT

Versus

SONALI AJMERA

... RESPONDENT

WITH

CRIMINAL APPEAL No.1907 OF 2022  
(Arising out of SLP(CrI.)No.4724 of 2020)  
CRIMINAL APPEAL No.1908 OF 2022  
(Arising out of SLP(CrI.)No.5256 of 2020)  
CRIMINAL APPEAL No.1909 OF 2022  
(Arising out of SLP(CrI.)No.5414 of 2020)  
CRIMINAL APPEAL No.1910 OF 2022  
(Arising out of SLP(CrI.)No.570 of 2021)  
CRIMINAL APPEAL No.1911 OF 2022  
(Arising out of SLP(CrI.)No.559 of 2021)  
CRIMINAL APPEAL No.1912 OF 2022  
(Arising out of SLP(CrI.)No.459 of 2021)  
CRIMINAL APPEAL No.1913 OF 2022  
(Arising out of SLP(CrI.)No.1230 of 2021)  
CRIMINAL APPEAL No.1914 OF 2022  
(Arising out of SLP(CrI.)No.5219 of 2021)  
CRIMINAL APPEAL No.1915 OF 2022  
(Arising out of SLP(CrI.)No.4140 of 2021)  
CRIMINAL APPEAL No.1916 OF 2022  
(Arising out of SLP(CrI.)No.4144 of 2021)  
CRIMINAL APPEAL No.1917 OF 2022  
(Arising out of SLP(CrI.)No.4906 of 2021)  
CRIMINAL APPEAL No.1918 OF 2022  
(Arising out of SLP(CrI.)No.4746 of 2021)  
CRIMINAL APPEAL No.1919 OF 2022  
(Arising out of SLP(CrI.)No.5748 of 2021)  
CRIMINAL APPEAL No.1920 OF 2022  
(Arising out of SLP(CrI.)No.4277 of 2020)  
CRIMINAL APPEAL No.1921 OF 2022  
(Arising out of SLP(CrI.)No.4910 of 2021)

O R D E R

CrI.A.No.1876/2022 @ SLP(CrI.)No.10869/2018

1. Leave granted.

2. The present appeal is directed against the order dated 24.10.2017 passed by the High Court of Madhya Pradesh at Indore whereby the High Court, in purported exercise of its power under Section 482 Cr.P.C., has observed that "*prima facie*" offences under Sections 420, 467, 468, 471 and 120-B of IPC are not made out against the respondent (Sonali Ajmera) and following the principles laid down by this Court in the case of State of Haryana and others vs. Bhajanlal and others, AIR 1992 Supp(1) SCC 335, has concluded that it was a fit case for quashing of the FIR and all consequential proceedings arising from it. The High Court has ordered accordingly.

3. While the present appeal was pending before this Court, some of the co-accused of the respondent - Sonali Ajmera have been granted or denied bail and those orders are also under challenge in the connected matters.

4. For the sake of brevity, and keeping in view the nature of the order we propose to pass, it is not necessary to record the facts of each individual case.

5. It appears to us that even if there were some distinguishable facts in relation to the respondent - Sonali Ajmera, the impugned order passed by the High Court has given undue advantage to her co-accused. Resultantly, various applications for quashing of the criminal proceedings and/or for grant of consequential reliefs like regular/anticipatory bail have been sought and granted on the strength of the relief provided to the respondent.

6. That apart, there are important subsequent developments that have taken place during the pendency of proceedings before this

Court. Pursuant to an interlocutory direction, the State Government has constituted a Committee of Senior Officers to determine the claims of the home buyers and explore the possibility of settlement of such claims. During the course of hearing, we are informed that most of the home buyers have either procured plots or received a refund of their money. However, the claims of remaining home buyers could not be settled due to resistance shown by some of suspects who are *prima facie* involved in the land scam, and as such, some of the aggrieved home buyers too have approached this Court by way of intervention applications.

7. In such circumstances, when individual claims are required to be examined and then to be adjudicated through the judicial process, we deem it appropriate to relegate these matters back to the High Court for a fresh consideration after taking into account the subsequent developments which have taken place during the pendency of proceedings before this Court. Equally important are other stakeholders, who are involved in the entire corpus of issues such as the financial institutions, depositors and the real estate developers.

8. The High Court will also examine whether the concession of bail granted to some of the accused has been misused and if so, whether such benefit is liable to be withdrawn. However, we make it clear that till the individual cases are examined by the High Court, the interim directions given by the High Court or by this Court shall continue to operate.

9. In the event of non-cooperation or assistance on the part of the real estate developers or the persons who are *prima facie*

involved in the land scam, the State of Madhya Pradesh shall be at liberty to seek cancellation of their bail before the High Court.

10. It goes without saying that the High Court shall afford reasonable opportunity of hearing to the State Government, Officers' Committee, home buyers or their representatives, investors, financial institutions, brokers and the real estate developers or their successors-in-interest before taking final view in the matter(s).

11. The High Court shall be at liberty to re-constitute the Committee and appoint a former Judge of the High Court as its Chairman, if it deems appropriate to do so.

12. Taking into consideration the fact that the home buyers are struggling for the allotment of plots or for a refund of their money for the past 15 years, we request the High Court to decide the matter expeditiously.

13. The parties are directed to appear before the High Court on 06.12.2022.

14. Accordingly, the impugned order dated 24.10.2017 passed by the High Court is set aside and the appeal is allowed in the above terms. Similar orders quashing the FIR(s) and proceedings arising therefrom passed in the connected cases are also annulled.

15. As a consequence of these directions, pending interlocutory applications also stand disposed of.

16. Before parting, we clarify that if the respondent - Sonali Ajmera is not on bail, she will be admitted to interim bail till the matter is decided by the High Court afresh, subject to her furnishing bail bonds on such terms and conditions as may be imposed

by the Trial Court.

17. Interim order dated 26.11.2021 passed by this Court shall continue to operate till the matter is disposed of by the High Court.

Cr1.A.No.1907/2022 @ SLP(Cr1.)No.4724/2020, Cr1.A.No...1908/2022 @ SLP(Cr1.)No.5256/2020, Cr1.A.No...1909/2022 @ SLP(Cr1.)No.5414/2020, Cr1.A.No...1910/2022 @ SLP(Cr1.)No.570/2021, Cr1.A.No...1911/2022 @ SLP(Cr1.)No.559/2021, Cr1.A.No.1913/2022 @ SLP(Cr1.)No.1230/2021, Cr1.A.No...1914/2022 @ SLP(Cr1.)No.5219/2021, Cr1.A.No...1917/2022 @ SLP(Cr1.)No.4906/2021, Cr1.A.No.1920/2022 @ SLP(Cr1.)No.4277/2020 and Cr1.A.No.1921/2022 @ SLP(Cr1.)No.4910/2021

1. Leave granted.

2. For the reasons stated in Cr1.A.No...1876/2022 @ SLP(Cr1.)No.10869/2018, the impugned orders passed by the High Court are set aside and the appeals are allowed.

3. As a corollary to our prior discussion, pending interlocutory applications stand disposed of.

4. As the matters are relegated back to the High Court for fresh consideration in accordance with law, the interim order dated 26.11.2021 passed by this Court shall continue to operate till the matter is disposed of by the High Court.

Cr1.A.No.1912/2022 @ SLP(Cr1.)No.459/2021, Cr1.A.No...1915/2022 @ SLP(Cr1.)No.4140/2021, Cr1.A.No...1916/2022 @ SLP(Cr1.)No.4144/2021, Cr1.A.No.1918/2022 @ SLP(Cr1.)No.4746/2021 and Cr1.A.No.1919/2022 @ SLP(Cr1.)No.5748/2021

1. Leave granted.

2. Having heard learned counsel appearing on behalf of the parties and on carefully perusing the material placed on record, we see no reason to interfere with the impugned orders passed by the High Court.

3. The appeals are, accordingly, dismissed.

4. Consequently, pending interlocutory applications also stand disposed of.

5. However, the interim order dated 26.11.2021 passed by this Court shall continue to operate till the matter is disposed of by the High Court.

.....J.  
(SURYA KANT)

.....J.  
(J.B. PARDIWALA)

NEW DELHI;  
NOVEMBER 01, 2022.

ITEM NO.12

COURT NO.12

SECTION II-A

**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).10869/2018

(Arising out of impugned final judgment and order dated 24-10-2017  
in MCRC No.4198/2017 passed by the High Court of M.P. at Indore)

THE STATE OF MADHYA PRADESH

Petitioner(s)

VERSUS

SONALI AJMERA

Respondent(s)

IA No.67055/2022 - APPLICATION FOR PERMISSION  
 IA No.48401/2022 - APPROPRIATE ORDERS/DIRECTIONS  
 IA No.18809/2022 - APPROPRIATE ORDERS/DIRECTIONS  
 IA No.46771/2022 - APPROPRIATE ORDERS/DIRECTIONS  
 IA No.62318/2022 - APPROPRIATE ORDERS/DIRECTIONS  
 IA No.77419/2022 - APPROPRIATE ORDERS/DIRECTIONS  
 IA No.116271/2022 - CLARIFICATION/DIRECTION  
 IA No.29187/2022 - CLARIFICATION/DIRECTION  
 IA No.48410/2022 - EXEMPTION FROM FILING AFFIDAVIT  
 IA No.48404/2022 - EXEMPTION FROM FILING AFFIDAVIT  
 IA No.18811/2022 - EXEMPTION FROM FILING O.T.  
 IA No.58680/2022 - EXEMPTION FROM FILING O.T.  
 IA No.74764/2022 - EXEMPTION FROM FILING O.T.  
 IA No.119071/2022 - EXEMPTION FROM FILING O.T.  
 IA No.46785/2022 - EXEMPTION FROM FILING O.T.  
 IA No.153229/2021 - EXEMPTION FROM FILING O.T.  
 IA No.117948/2022 - EXEMPTION FROM FILING O.T.  
 IA No.152384/2021 - EXEMPTION FROM FILING O.T.  
 IA No.67056/2022 - EXEMPTION FROM FILING O.T.  
 IA No.48409/2022 - EXEMPTION FROM FILING O.T.  
 IA No.116272/2022 - EXEMPTION FROM FILING O.T.  
 IA No.145804/2021 - EXEMPTION FROM FILING O.T.  
 IA No.33271/2022 - EXEMPTION FROM FILING O.T.  
 IA No.173399/2018 - EXEMPTION FROM FILING O.T.  
 IA No.62314/2022 - EXEMPTION FROM FILING O.T.  
 IA No.48403/2022 - EXEMPTION FROM FILING O.T.  
 IA No.58679/2022 - INTERVENTION APPLICATION  
 IA No.53105/2022 - INTERVENTION APPLICATION  
 IA No.46770/2022 - INTERVENTION APPLICATION  
 IA No.117946/2022 - INTERVENTION APPLICATION  
 IA No.152383/2021 - INTERVENTION APPLICATION  
 IA No.46514/2022 - INTERVENTION APPLICATION  
 IA No.48408/2022 - INTERVENTION APPLICATION  
 IA No.62313/2022 - INTERVENTION APPLICATION  
 IA No.29182/2022 - INTERVENTION/IMPLEADMENT  
 IA No.77418/2022 - INTERVENTION/IMPLEADMENT  
 IA No.119070/2022 - MODIFICATION

IA No.74763/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

IA No.68293/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

WITH

SLP(Cr1) No.4724/2020 (II-A)

SLP(Cr1) No.5256/2020 (II-A)

(FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 110058/2020

FOR EXEMPTION FROM FILING O.T. ON IA 110059/2020

FOR EXEMPTION FROM FILING O.T. ON IA 142858/2021

IA No. 110058/2020 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 142858/2021 - EXEMPTION FROM FILING O.T.

IA No. 110059/2020 - EXEMPTION FROM FILING O.T.)

SLP(Cr1) No.5414/2020 (II-A)

(FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 113145/2020

FOR EXEMPTION FROM FILING O.T. ON IA 113146/2020

IA No. 113145/2020 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 113146/2020 - EXEMPTION FROM FILING O.T.)

SLP(Cr1) No.570/2021 (II-A)

(FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 7929/2021

FOR EXEMPTION FROM FILING O.T. ON IA 7932/2021

IA No. 7929/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 7932/2021 - EXEMPTION FROM FILING O.T.)

SLP(Cr1) No.559/2021 (II-A)

(FOR FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 7654/2021 FOR EXEMPTION FROM FILING O.T. ON IA 7655/2021

IA No. 7654/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No.7655/2021 - EXEMPTION FROM FILING O.T.)

SLP(Cr1) No.459/2021 (II-A)

(FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 5930/2021

FOR EXEMPTION FROM FILING O.T. ON IA 5932/2021

IA No. 5930/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 5932/2021 - EXEMPTION FROM FILING O.T.)

SLP(Cr1) No.1230/2021 (II-A)

(FOR FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 18997/2021 FOR EXEMPTION FROM FILING O.T. ON IA 18998/2021

IA No. 18997/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 18998/2021 - EXEMPTION FROM FILING O.T.)

SLP(Cr1) No.5219/2021 (II-A)

(FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 84150/2021

FOR EXEMPTION FROM FILING O.T. ON IA 84151/2021

IA No. 84150/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED

**JUDGMENT**

**IA No. 84151/2021 - EXEMPTION FROM FILING O.T.)**

**SLP(Cr1) No. 4140/2021 (II-A)**

**(FOR EXEMPTION FROM FILING O.T. ON IA 66753/2021**

**FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 66754/2021**

**FOR INTERIM BAIL ON IA 96447/2021**

**FOR EXEMPTION FROM FILING O.T. ON IA 130635/2021**

**IA No. 66754/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT**

**IA No. 130635/2021 - EXEMPTION FROM FILING O.T.**

**IA No. 66753/2021 - EXEMPTION FROM FILING O.T.**

**IA No. 96447/2021 - INTERIM BAIL)**

**SLP(Cr1) No. 4144/2021 (II-A)**

**(FOR EXEMPTION FROM FILING O.T. ON IA 66824/2021**

**FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 66825/2021**

**FOR GRANT OF BAIL ON IA 92169/2021**

**FOR EXEMPTION FROM FILING O.T. ON IA 130625/2021**

**IA No. 66825/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT**

**IA No. 130625/2021 - EXEMPTION FROM FILING O.T.**

**IA No. 66824/2021 - EXEMPTION FROM FILING O.T.**

**IA No. 92169/2021 - GRANT OF BAIL)**

**SLP(Cr1) No.4906/2021 (II-A)**

**(FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 78356/2021**

**FOR EXEMPTION FROM FILING O.T. ON IA 78358/2021**

**IA No. 78356/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT**

**IA No. 78358/2021 - EXEMPTION FROM FILING O.T.)**

**SLP(Cr1) No.4746/2021 (II-A)**

**(FOR APPLICATION FOR PERMISSION ON IA 134845/2021**

**IA No. 134845/2021 - APPLICATION FOR PERMISSION)**

**SLP(Cr1) No. 5748/2021 (II-A)**

**(FOR**

**FOR APPLICATION FOR PERMISSION ON IA 146364/2021**

**IA No. 146364/2021 - APPLICATION FOR PERMISSION)**

**SLP(Cr1) No.4277/2020 (II-A)**

**( FOR EXEMPTION FROM FILING O.T. ON IA 142861/2021**

**IA No. 142861/2021 - EXEMPTION FROM FILING O.T.)**

**SLP(Cr1) No.4910/2021 (II-A)**

**(IA**

**FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 78397/2021**

**FOR EXEMPTION FROM FILING O.T. ON IA 78399/2021**

**IA No. 78397/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT**

**IA No. 78399/2021 - EXEMPTION FROM FILING O.T.)**

**Date : 01-11-2022 These matters were called on for hearing today.**

**CORAM :**

HON'BLE MR. JUSTICE SURYA KANT  
HON'BLE MR. JUSTICE J.B. PARDIWALA

For Petitioner(s)

Ms. Rashmi Singhania, AOR

Mr. Puneet Jain, Adv.  
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Mr. Yogit Kamat, Adv.  
Ms. Akriti Singh, Adv.

Ms. Ankita Choudhary, DAG  
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Mr. Yashraj Singh Bundela, Adv.  
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Mr. Sandeep Sharma, Adv.  
Mr. Shreeyash U. Lalit, Adv.

For Respondent(s)/  
Applicant(s)

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Ms. Ayushi Mittal, Adv.  
Mr. Astik Gupta, Adv.  
Mr. Vipul Abhishek, Adv.

Mr. Vinay Kumar Garg, Sr.Adv.  
Mr. Rohit Pandey, Adv.  
Mr. Vaibhav Maheshwari, Adv.  
Mr. Varad Dwivedi, Adv.  
Ms. Munisha Anand, Adv.  
Ms. Shashi Kiran, AOR  
Ms. Kriti Kaushik, Adv.

Mr. Maninder Singh, Sr. Adv.  
Mr. Saurabh Ajay Gupta, AOR  
Mr. Rinku Garg, Adv.  
Mr. Nishant Bishnoi, Adv.  
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Mr. Sukhamrit Singh, Adv.  
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Mr. Siddharth Luthra, Sr.Adv.  
Mr. A.P. Dhamija, Adv.  
Mr. Nitin Chaudhary, Adv.

Mr. J.P. Singh, Adv.  
Ms. Tanya Sharma, Adv.  
Ms. Rashmi Singhanian, Adv.  
Mr. Sheezan Hashmi, Adv.  
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Mr. Hitesh Kumar Sharma, Adv.  
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Mr. Narendra Pal Sharma, Adv.

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Ms. Taruna Ardhendumauli Prasad, AOR  
Mr. Shreya Srivastava, Adv.  
Mr. Ashish Madaan, Adv.  
Mr. Amritesh Raj, Adv.  
Mr. Rajul Shrivastav, Adv.  
Mr. Aman Singh Bhadoria, Adv.  
Ms. Ananya Sahu, Adv.  
Mr. Yash Singh, Adv.

Ms. Christi Jain, AOR

Mr. A.P. Dhamija, Adv.  
Mr. J.P. Singh, Adv.  
Ms. Tanya Sharma, Adv.  
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Ms. Arti Singh, AOR  
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Ms. Pooja Singh, Adv.  
Mr. Basant Pal Singh, Adv.

Ms. Rupali Sharma, AOR  
Mr. Samyak Gangwal, Adv.  
Mr. Krishnesh Bapat, Adv.

Ms. Bharti Tyagi, AOR  
Mr. Nitin Choudhary, Adv.

Mr. Chanchal Goel, Adv.  
Ms. Abha Goel, Adv.

Mr. Mayank Kshirsagar, AOR

Mr. Virag Gupta, Adv.  
Mr. Vishal Arun Mishra, Adv.  
Mr. Ujjwal Bhardwaj, Adv.  
Ms. Archana Pathak Dave, AOR

Ms. Charu Mathur, AOR

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

Cr1.A.No.1876/2022 @ SLP(Cr1.)No.10869/2018

1. Leave granted.
2. The impugned order dated 24.10.2017 passed by the High Court is set aside and the appeal is allowed in terms of the signed order. Similar orders quashing the FIR(s) and proceedings arising therefrom passed in the connected cases are also annulled.
3. As a consequence of these directions, pending interlocutory applications also stand disposed of.
4. Before parting, we clarify that if the respondent - Sonali Ajmera is not on bail, she will be admitted to interim bail till the matter is decided by the High Court afresh, subject to her furnishing bail bonds on such terms and conditions as may be imposed by the Trial Court.
5. Interim order dated 26.11.2021 passed by this Court shall continue to operate till the matter is disposed of by the High Court.

Cr1.A.No.1907/2022 @ SLP(Cr1.)No.4724/2020, Cr1.A.No...1908/2022 @ SLP(Cr1.)No.5256/2020, Cr1.A.No...1909/2022 @ SLP(Cr1.)No.5414/2020, Cr1.A.No...1910/2022 @ SLP(Cr1.)No.570/2021, Cr1.A.No...1911/2022 @ SLP(Cr1.)No.559/2021, Cr1.A.No.1913/2022 @ SLP(Cr1.)No.1230/2021, Cr1.A.No...1914/2022 @ SLP(Cr1.)No.5219/2021, Cr1.A.No...1917/2022 @ SLP(Cr1.)No.4906/2021, Cr1.A.No.1920/2022 @ SLP(Cr1.)No.4277/2020 and Cr1.A.No.1921/2022 @ SLP(Cr1.)No.4910/2021

1. Leave granted.
2. For the reasons stated in Cr1.A.No...1876/2022 @ SLP(Cr1.)No.10869/2018, the impugned orders passed by the High Court are set aside and the appeals are allowed.

3. As a corollary to our prior discussion, pending interlocutory applications stand disposed of.

4. As the matters are relegated back to the High Court for fresh consideration in accordance with law, the interim order dated 26.11.2021 passed by this Court shall continue to operate till the matter is disposed of by the High Court.

Cr1.A.No.1912/2022 @ SLP(Cr1.)No.459/2021, Cr1.A.No...1915/2022 @ SLP(Cr1.)No.4140/2021, Cr1.A.No...1916/2022 @ SLP(Cr1.)No.4144/2021, Cr1.A.No.1918/2022 @ SLP(Cr1.)No.4746/2021 and Cr1.A.No.1919/2022 @ SLP(Cr1.)No.5748/2021

1. Leave granted.

2. Having heard learned counsel appearing on behalf of the parties and on carefully perusing the material placed on record, we see no reason to interfere with the impugned orders passed by the High Court.

3. The appeals are, accordingly, dismissed.

4. Consequently, pending interlocutory applications also stand disposed of.

5. However, the interim order dated 26.11.2021 passed by this Court shall continue to operate till the matter is disposed of by the High Court.

(SATISH KUMAR YADAV)  
DEPUTY REGISTRAR

(PREETHI T.C.)  
COURT MASTER (NSH)

(Signed order is placed on the file)