

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. 2550/2000

(From the judgement and order dated 27/03/2000 in MCRLC 1632/2000
of The HIGH COURT OF M.P AT JABALPUR)

ANITA GUPTA

Petitioner (s)

VERSUS

ABDUL HANIF & ORS.

Respondent (s)

(With Appln(s). for exemption from filing O.T.)
(With Office Report)

Date : 15/12/2000 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.B. PATTANAIAK
HON'BLE MR. JUSTICE U.C. BANERJEE

For Petitioner (s)

Mr. S.S. Khanduja, Adv.

For Respondent (s)

Mr. Prakash Shrivastava, Adv.

For State

Mr. Uma Nath Singh, Adv.

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

.....L.....I.....J
.SP2

Leave granted.
Appeal stands disposed of in terms of the signed
order.

.SP1

(J.S. Rawat)
Court Master

(Suneet Bala Sharma)
Court Master

(Signed order is placed on the file)

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L.....T.....T.....T.....T.....T.....T.....T.....T.....T.....R

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

Anita Gupta

...Appellant (s)

Versus

Abdul Hanif & Ors.

...Respondent(s)

O R D E R~@@
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.SP2

Leave granted.

Heard the learned counsel for the parties.

The High Court by the impugned order has quashed the criminal proceedings in exercise of power under Section 482 Cr.P.C. without even noticing the complainant and without examining the materials fully as to at what stage the investigation itself has proceeded. To say the least, the High Court was wholly unjustified in setting aside a criminal proceeding where the allegations make out the offence under Section 306/34 IPC. Since the complainant has not been noticed in the present proceeding and even the counsel for the parties are not in a position to tell us as to what is the stage of investigation, we think it appropriate to set aside the impugned order of the High Court and remit the matter to the High Court for redisposal of the application by giving opportunities of hearing to all parties concerned and bearing ..2

(2)

in mind the law laid down by this Court as to in what circumstances, the Court would be justified in quashing a criminal proceeding in exercise of power under Section 482 Cr.P.C. which, undoubtedly, has to be exercised sparingly.

The Appeal stands disposed of accordingly.

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(G.B. PATTANAIAK)@@
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New Delhi,
December 15, 2000.

.....J@@
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(U.C. BANERJEE)@@
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