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SLP(Crl.)No. 5157 OF 2003
ITEM No.9

Court No. 3

SECTION IIA
A/N MATTER

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. 5157/2003

(From the judgement and order dated 12/08/2002 in CRLM 28961/02
of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

MADAN LAL

Petitioner (s)

VERSUS

MONA & ORS.

Respondent (s)

(With Appln(s). for exemption from filing c/c of the impugned Judgment
and urging addl. grounds)
(With Office Report)

Date : 27/04/2004 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE N. SANTOSH HEGDE
HON'BLE MR. JUSTICE G.P. MATHUR

For Petitioner (s)Mr. P.N. Puri,Adv.

For Respondent (s)Mr. S.P. Soi,Adv.

Mr. Dinesh Verma,Adv.

Ms. Suresh Kumari,Adv.

Mr. A.P. Mohanty,Adv.

Mr. Bimal Roy Jad,Adv.

Ms. Sunita Pandit,Adv.

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

Leave granted.

The appeal is allowed in terms of the signed order.

(Ganga Thakur)
PS to Registrar

(Prem Prakash)
Court Master

Signed order is placed on the file.
IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. OF 2004
(Arising out of SLP(Crl.) No. 5157/03)

Madan Lal
..Appellant(s)

Versus

Mona & Ors.
..Respondent(s)

O R D E R

Heard learned counsel for the parties.
Leave granted.

The appellant was the complainant before the Trial Court wherein he alleged offences punishable under Section 498-A and 406 as against the party respondents herein and some others. The accused challenged the FIR by way of a petition under Section 482 of the Code of Criminal Procedure before the High Court of Punjab & Haryana at Chandigarh. The High Court by the impugned order allowed the said quashing petition in regard to respondents 1, 2 and 3 herein. It is against this order of the High Court the complainant is before us. The main

-2-
complaint of the appellant in this appeal is that the High Court has not assigned any reason whatsoever which would indicate the grounds which persuaded the High Court to quash the FIR as against respondents 1,2 and 3. Learned counsel appearing for the said respondents, however, contended that the impugned order of the High Court read with contents of the complaint shows no case is made against the respondents, therefore, the High Court was justified in quashing the FIR.

We notice from the impugned order the only reason given by the High Court for quashing the FIR is as follows:

"Having regard to relationship of petitioners Nos.3, 4 and 6 with the complainant and the nature of allegations made, proceedings against petitioners Nos.3, 4 and 6 are quashed without prejudice to the case of the complainant against other accused."

From the above we do not see what is the exact reason which persuaded the High Court to quash the FIR against the concerned respondents. This Court has repeatedly observed that in matters where there is likelihood of appeal being carried to the higher courts the court passing the impugned order should express its findings by reasoned order, otherwise there is no way by which the appellate court could find out what exactly is the ground on which the impugned order is made. In the instant

-3-
case we find the learned High court has not given any reason from which we could find out the basis of the decision to quash the FIR. Therefore, we are constrained to allow this appeal, set aside the impugned order and send the matter back to the High Court to reconsider the petition filed by those respondents and pass a reasoned order.

With the above observation this appeal is allowed.

.....J.

(N. SANTOSH HEGDE)

.....J.
(G.P. MATHUR)

New Delhi,
April 27, 2004.