

2026 LiveLaw (SC) 279

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
MANOJ MISRA; J., MANMOHAN; J.**

March 17, 2026

Criminal Appeal No(s). 1413/2026 @ SLP (Crl) No. 18147/2025

SUMAN KUMAR RAGHAV versus RAVINDRA KUMAR SHARMA & ANR.

Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) — Section 528 — Quashing of Proceedings — Informant’s Right to Hearing — The Supreme Court set aside a High Court order that quashed an FIR and consequential criminal proceedings without issuing notice to the informant - The High Court had quashed the case based on a general observation in a previous election-related writ petition suggesting parties withdraw all proceedings - The Supreme Court held that since the FIR disclosed a cognizable offence and a charge-sheet had already been submitted following investigation, the proceedings could not be quashed "straight-away" without giving the informant an opportunity to be heard - Matter restored for fresh consideration. [Relied on District Bar Association and Another vs. Bar Council of India Writ (C) No. 5973 of 2025; Paras 11-13]

For Appellant(s): Mr. Vipin Nair, AOR

For Respondent(s): Mr. Raj Narayan Singh, Adv. Mr. Jugul Kishor Gupta, AOR Mr. Vasim Akhter, Adv. Mr. B.r. Meena, Adv. Dr. Vijendra Singh, AOR Ms. Apurva Singh, Adv. Mr. Aniket Tiwari, Adv. Ms. Kim Rani, Adv.

ORDER

1. Leave granted.
2. Heard learned counsel for the parties.
3. This appeal arises from a judgment and order of the High Court of Judicature at Allahabad dated 10.09.2025 passed on Application Under Section 528 BNSS No. 34439/2025, whereby the First Information Report (“FIR”) and all consequential proceedings arising from Case Crime No. 1146/2024 at P.S. Kotwali City, District Bulandshahar were quashed.
4. The appellant had lodged the FIR against the first respondent (Ravindra Kumar Sharma) inter alia alleging that on 23.12.2024 at about 2:30 pm while a meeting of the newly elected Executive Committee of the District Bar Association, Bulandshahar was being held in the Bar Hall, the first respondent came with some of his associates took out his licensed revolver aimed at the informant, after cocking the weapon, abused and threatened the informant, which created panic, commotion and an atmosphere of terror. It was alleged that the entire incident was captured by the C.C.T.V. The said FIR was investigated resulting in a charge-sheet whereupon cognizance was taken by the Court of Chief Judicial Magistrate, Bulandshahar *vide* order dated 22.08.2025.
5. Aggrieved by the proceedings, the first respondent filed an application under Section 528 BNSS for quashing of the proceedings including the FIR. The case set up by the first respondent was that there were two groups at the Bar and disputes arose on account of election of the Bar Association. In connection with the election dispute, matter traveled to the High Court in Writ (C) No. 5973 of 2025¹, which was disposed of by the High Court *vide* order dated 21.03.2025. From the order of the High Court dated 21.03.2025, it

¹ “District Bar Association and Another vs. Bar Council of India and 2 others”

appeared that parties had agreed that there shall be a fresh election to the Bar Association and based on that agreement, the Court had passed the following order:

“In view of the consent of the parties we provide that the charge of the Bar Association, Bulandshahr along with entire records would be delivered to the Elder's Committee consisting of the above members within a week from today. The Elder's Committee shall then proceed to conduct fresh elections after getting the electoral college settled in accordance with the provisions of the bye laws. Such election would be held within a period of one month. The date of holding of the election would be intimated by the Elder's Committee to the District Magistrate and the SSP, Bulandshahr. The district administration would ensure that proper police security arrangements are made on the date of election so that a smooth election is held to elect the officer bearers. The security arrangement will also continue during the counting of votes.

We expect the members of the Bar Association to behave in orderly fashion and remain true to the profession which is known as noble profession and not indulge in any undesirable activities. The parties also to undertake that all proceedings initiated by them against each other would be withdrawn so that all acrimony between the parties come to an end. We permit the parties to approach the concerned SSP with such request and it goes without saying that the concerned SSP would do the needful.”

6. By relying on the aforesaid order, it was contended before the High Court that since the Bar members were expected to withdraw all proceedings initiated by them against each other, there was no justification to continue with the criminal proceedings which were an outcome of the election dispute.

7. Accepting the above submission, the High Court took the view that since the dispute had arisen on account of election rivalry and this Court had observed that parties are expected to withdraw cases lodged against each other, ends of justice would demand that such proceedings be quashed. Accordingly, by the impugned order proceedings were quashed.

8. Impugning the order passed by the High Court, submission on behalf of the appellant is that the High Court passed the impugned order without even issuing notice to the appellant who was the informant of the case. Besides, the order dated 21.03.2025 was not passed after considering the nature of the case which was registered against the first respondent and whether after investigation charge sheet was laid and cognizance taken by the concerned Magistrate. Moreover, the observation of the High Court was not specific to the case and, in any case, since chargesheet had been submitted after investigation and cognizance taken, the said case could not have been withdrawn by approaching the SSP concerned. In such circumstances, it has been prayed that the order passed by the High Court be set aside and the proceedings before the High Court be restored so that the same could be decided afresh after giving opportunity of hearing to the appellant.

9. *Per contra*, on behalf of the first respondent, it was submitted that it is clear from the allegations in the impugned FIR that the alleged incident had occurred on account of meeting of newly elected executive committee members and since the election was disputed, the incident was nothing but an outcome of election dispute. Therefore, once the Division Bench of the High Court had directed that fresh election would be held and to remove the acrimony between parties, it is desirable that the parties shall withdraw all proceedings initiated against each other, the learned Single Judge of the High Court took the correct decision of quashing the proceedings which parties undertook to withdraw.

10. We have accorded due consideration to the rival submissions and have perused the materials available on record. It is not in dispute that the FIR in question *prima facie* discloses commission of a cognizable offence. It is also not in dispute that the FIR was investigated upon, and a charge-sheet was submitted on which cognizance was taken. The order of the Division Bench of the High Court on which reliance has been placed by the learned Single Judge for quashing the impugned proceedings does not specifically relate to the case in question. Those observations are general in nature to enable parties to approach the SSP concerned and settle their differences. While making those observations the High Court had not taken into consideration what the case was, whether those allegations were investigated upon resulting in a charge sheet and taking of cognizance by the concerned Magistrate.

11. In such circumstances, the undertaking given before the Division Bench of the High Court was not enforceable qua the proceedings in question as to enable the learned Single Judge to quash the proceedings straight-away without even issuing notice to the informant (i.e., the appellant herein).

12. Accordingly, we are of the view that the application filed by the first respondent needs to be considered afresh by the High Court after giving opportunity of hearing to the appellant herein.

13. In consequence, the appeal is allowed. The impugned order dated 10.09.2025 passed by the High Court is hereby set aside. The Application under Section 528 BNSS No. 34439/2025 shall be restored on the file of the High Court for being decided afresh in accordance with law after giving opportunity of hearing to the informant (i.e., the appellant herein).

14. Pending application(s), if any, shall stand disposed of.

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