

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.3347 OF 2023
(Arising out of S.L.P.(CrI.) No.9667 of 2023)

SHIV KUMAR SHARMA ... APPELLANT(S)

VS.

THE STATE OF MADHYA PRADESH & ORS. ... RESPONDENT(S)

O R D E R

Leave granted.

Heard the learned senior counsel appearing for the parties.

The prayer made by the appellant before the High Court in a petition under Section 482 of the Code of Criminal Procedure, 1973 (for short "CrPC") was for quashing the First Information Report. By the impugned order, the High Court has rejected the said petition without going into the merits of the case made out by the appellant. Strangely, the High Court has observed that the Investigating Officer will give opportunity to the appellant to explain the material collected against him during the investigation before submission of the final report under Section 173 of CrPC. To say the least, such approach is very strange and contrary to law.

In any case, the appellant's case on merits has not been considered by the High Court.

Hence, by setting aside the impugned judgment and order dated 12th April, 2023, we restore Miscellaneous Criminal Case No.13012 of 2023 before the High Court.

We direct the Registrar (Judicial) of the Madhya Pradesh High Court to list the restored petition before the roster Bench on 8th December, 2023 in the morning. The parties shall appear before the roster Bench on that day.

To enable the High Court to consider the case on merits, we extend the interim relief granted by this Court on 18th August, 2023 till 8th January, 2024 with a liberty to the appellant to apply to the High Court for continuation of interim relief in the event the remanded case is not decided till 8th January, 2024. The High Court will decide the case of the petitioner on merits without being influenced by the interim relief granted by this Court.

All contentions are left open, to be considered by the High Court.

The appeal is accordingly allowed on the above terms.

.....J.
(ABHAY S.OKA)

.....J.
(PANKAJ MITHAL)

NEW DELHI;
October 30, 2023.

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 (Cr1.) No(s). 9667/2023

(Arising out of impugned final judgment and order dated 12-04-2023 in MCRC No. 13012/2023 passed by the High Court of M.P, Bench at Gwalior)

SHIV KUMAR SHARMA

Petitioner(s)

VERSUS

THE STATE OF MADHYA PRADESH & ORS.

Respondent(s)

(IA No. 155541/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 155542/2023 - EXEMPTION FROM FILING O.T.)

Date : 30-10-2023 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA
HON'BLE MR. JUSTICE PANKAJ MITHAL

For Petitioner(s)

Mr. Chinmoy Khaladkar, Adv.
Mr. Abhinav Agnihotri, Adv.
Ms. Salonee Paranjape, Adv.
Mr. B. K. Pal, AOR

For Respondent(s)

Mr. Yashraj Singh Bundela, AOR
Mr. Vishnu Kant, Adv.
Mr. Pawan, Adv.
Ms. Jyoti Verma, Adv.

Mr. Devesh Pratap Singh, AOR
Mr. Rahul Kulhare, Adv.
Mr. Tanishq Tyagi, Adv.
Mr. Kaustubh Anshuraj, Adv.
Mr. Sanjay Tyagi, Adv.
Mr. Yashish Chandra, Adv.

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

Leave granted.

The appeal is allowed in terms of the signed order.

Pending applications also stand disposed of.

(ANITA MALHOTRA)
AR-CUM-PS

(AVGV RAMU)
COURT MASTER

(Signed order is placed on the file.)