

**2024 LiveLaw (SC) 41**

**IN THE SUPREME COURT OF INDIA**  
**CRIMINAL APPELLATE JURISDICTION**  
**C.T. RAVIKUMAR; J., RAJESH BINDAL; J.**  
JANUARY 04, 2024

**CRIMINAL APPEAL NO. 63 OF 2024 (Arising out of SLP(Crl.) No. 6384/2020)**  
**RAJARAM SHARMA versus THE STATE OF UTTAR PRADESH & ANR.**

**Code of Criminal Procedure, 1973; Section 482 - When the High Court was called upon to invoke power under Section 482 Cr.P.C. to quash a criminal case, it was incumbent upon the High Court to consider the question whether the allegations would constitute the offence(s) alleged against the person-accused. (Para 6)**

(Arising out of impugned final judgment and order dated 17-03-2020 in A482 No. 4045/2020 passed by the High Court of Judicature at Allahabad)

*For Petitioner(s) Mr. Shubham Gupta, Adv. Mrs. Prerna Gupta, Adv. Mr. Praveen Gupta, Adv. Mr. Rajesh Pal, Adv. Mr. Sarthak Bansal, Adv. Mr. Madhusudan Singh, Adv. Dr. Balram Singh, Adv. Mr. Ravi Kumar Tomar, AOR*

*For Respondent(s) Mr. Ardhendumauli Kumar Prasad, A.A.G. Mr. Vishnu Shankar Jain, AOR Mr. Shashi Shekhar Kumar Prasad, Adv. Ms. Ananya Sahu, Adv.*

**ORDER**

Leave granted.

2. This appeal is directed against the judgment and order dated 17.3.2020 passed by the High Court of Judicature at Allahabad in Application No. 4045/2020 under Section 482 of Code of Criminal Procedure (CrPC).

3. The Appellant herein approached the High Court under Section 482 CrPC seeking quashment of Case No. 3969/9 of 2019, Computer Case No. 1276 of 2019 (State vs. Rajaram Sharma) arising out of Case Crime No. 813 of 2018 under Sections 420, 406, 504, and 506 of the Indian Penal Code (IPC), P.S. Brindavan, District Mathura. As per the impugned order, the High Court dismissed the application.

4. Heard learned counsel for the appellant and the learned Additional Advocate General for the State of Uttar Pradesh. Despite being served, the second respondent, who is the de-facto complainant, has not entered appearance to contest the matter. We have carefully gone through the allegations in the complaint which led to the registration of the subject FIR as also the chargesheet laid on 24.10.2018.

5. It is the precise contention of the appellant that even if the entire allegations are taken as correct, they would not satisfy the necessary ingredients to attract the above mentioned offences. A careful scanning of the allegations would reveal that the very foundation for the case is that certain amount was transferred from the bank account of one Mr. Pankaj Sharma and his wife Mrs. Ashu Sharma to the bank account of the appellant herein in connection with sale of a plot of land. True that the second respondent got a case that he has also handed over Rs. 1 lakh in cash to the appellant in connection with the said deal. As a matter of fact, there is no case that an agreement was inked in regard to the alleged deal between the appellant and the second respondent or the appellant and the aforementioned Mr. Pankaj Sharma and his wife Mrs. Ashu and at any rate, no such document has been annexed to the complaint. Mr. Pankaj Sharma and Mrs. Ashu, from whose bank account money was allegedly transferred to the bank account of the appellant for the alleged deal, are not the complainants. The precise contention of the appellant is that the second respondent, is a stranger to the facts alleged in the FIR. No

civil proceedings have been instituted against the appellant by the second respondent or the aforementioned parties. As noted earlier, despite such contentions specifically raised in this appeal the second respondent has not chosen to appear and contest the matter.

6. Apart from the aforesaid aspects, a scanning of the FIR and the subsequently filed chargesheet, we are of the considered view that ingredients necessary to constitute the offence under Sections 420, 406, 504, and 506 of the IPC are not made out. The impugned order would reveal that the said aspect was not at all looked into by the High Court. When the High Court was called upon to invoke power under Section 482 CrPC raising such contentions, it was incumbent upon the High Court to consider the question whether the allegations would constitute the offence(s) alleged against the appellant.

7. In view of the above discussion, we have no hesitation to hold that the appellant is entitled to succeed in the appeal. Consequently, this appeal is allowed. The impugned order dated 17.3.2020 passed by the High Court of Judicature at Allahabad in Application No. 4045/2020 is set aside. Consequently, the entire proceedings arising out of Case Crime No. 813 of 2018 under Sections 420, 406, 504, and 506 of the Indian Penal Code (IPC) registered with P.S. Brindavan, District Mathura stands quashed. We make it clear that in view of the quashment of the FIR and the chargesheet all further proceedings including those against the other accused, namely, Mr. Rakesh Rajora in the selfsame crime will also stand terminated.

8. Pending application(s), if any, stands disposed of.

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