

**2023 LiveLaw (SC) 950**

**IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION  
ABHAY S. OKA; J., PANKAJ MITHAL; J.**

October 30, 2023

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

**SHIV KUMAR SHARMA *versus* THE STATE OF MADHYA PRADESH & ORS.**

**Code of Criminal Procedure, 1973; Section 173 and 482 - Quashing of FIR - High Court has observed that the Investigating Officer will give opportunity to the accused to explain the material collected against him during the investigation before submission of the final report - Such approach is very strange and contrary to law.**

(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)

*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.*

**ORDER**

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 12<sup>th</sup> 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 8<sup>th</sup> 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 18<sup>th</sup> August, 2023 till 8<sup>th</sup> 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 8<sup>th</sup> 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.