

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. _____ OF 2021
(Arising out of SLP(Crl.)No. 4567 of 2019)

ANU KUMAR

Petitioner(s)

VERSUS

STATE (UT ADMINISTRATION), & ANR.

Respondent(s)

O R D E R

Leave granted.

This appeal takes exception to the judgment and order dated 20.11.2018 passed by the High Court of Punjab and Haryana at Chandigarh in CRM-M-48067 of 2017 (O&M) to the extent of issuing direction to proceed against the appellant in connection with offence registered as Crime No.186 of 2015 at Sector 39, Police Station, Chandigarh.

The High Court in exercise of powers under Section 482 of the Criminal Procedure Code in the petition filed by the named accused person - Sanjeev Kumar for quashing of summoning order dated 05.08.2017; framing charges order dated 30.11.2017; and chargesheet dated 30.11.2017, rejected the petition so filed, but while doing so issued direction to proceed against the appellant, who happened

to be Principal of the School at the relevant time and made certain disparaging observations against him in the impugned judgment.

The core issue before us is whether the High Court in exercise of powers under Section 482 of the Criminal Procedure Code in the petition for quashing filed by the accused named in the case can proceed to issue such direction and make observations against a third party (the appellant), who was not before the Court nor given any opportunity before passing of the impugned judgment much less without referring to any specific material forming part of the chargesheet which could indicate his complicity in the commission of the alleged crime.

In our opinion, the answer is an emphatic NO. The High Court should not have ventured into an area which would adversely affect a third party to the proceedings and more so without referring to any credible material warranting such intervention of the High Court.

It is a different matter if the High Court was to merely observe that if the Trial Court after recording of the evidence finds that some more persons were involved in the commission of the subject crime, must proceed against them by invoking Section 319 of the Criminal

Procedure Code. Suffice it to observe that the impugned judgment issuing direction to proceed against the appellant in connection with stated crime and recording disparaging observations against him cannot be countenanced. The same stands effaced from the record.

The appeal succeeds while making it clear that the Trial Court may proceed in the matter being Sessions Case No. 155 of 2017 pending before it, strictly in accordance with law uninfluenced by any observation made in the impugned judgment.

Pending applications, if any, stand disposed of.

.....,J.
(A.M. KHANWILKAR)

.....,J.
(C.T. RAVIKUMAR)

NEW DELHI;
December 11, 2021.

ITEM NO.23 Court 3 (Video Conferencing) SECTION II-B

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(s). 4567/2019

(Arising out of impugned final judgment and order dated 20-11-2018 in CRM-M No. 48067/2017 passed by the High Court Of Punjab & Haryana At Chandigarh)

ANU KUMAR Petitioner(s)

VERSUS

STATE (UT ADMINISTRATION), & ANR. Respondent(s)

IA No. 9075/2019 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 11-12-2021 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE MR. JUSTICE C.T. RAVIKUMAR

For Petitioner(s) Mr. Neeraj Kumar Jain, Sr. Adv
Mr. Umang Shankar, AOR
Mr. Aniket Jain, Adv.
Mr. Sanjay singh, Adv.

For Respondent(s) Mr. Gurinder Singh Gill Sr. Adv.
Mr. P.P. Nayak Adv.
Mr. Kuldeep Singh Kuchaliya Adv.
Ms. Aashna Gill Adv.
Mr. Pratap Singh Gill Adv.
Ms. Bhupinder Adv.
Ms. Vandana Hooda Adv.
Mr. Ajay Pal, AOR

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, if any, stand disposed of.

(DEEPAK SINGH)

COURT MASTER (SH)

(VIDYA NEGI)

COURT MASTER (NSH)

[Signed order is placed on the file]