

ITEM NO.34 Court 13 (Video Conferencing) SECTION II

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 (CrI.) No(s). 8242/2021

(Arising out of impugned final judgment and order dated 26-08-2021 in A482 No. 15523/2021 passed by the High Court Of Judicature At Allahabad)

MANOJ AGARWAL & ANR.

PETITIONER(S)

VERSUS

THE STATE OF UTTAR PRADESH & ANR.

RESPONDENT(S)

(IA No. 138998/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 139000/2021 - EXEMPTION FROM FILING O.T., IA No. 139002/2021 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 04-03-2022 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE AJAY RASTOGI
HON'BLE MR. JUSTICE ABHAY S. OKA

For Petitioner(s) Mr. Ankit Gupta, Adv.
 Mr. Krishna kumar Adv.
 Ms. Nandani gupta Adv.
 Dr. (mrs.) Vipin Gupta, AOR

For Respondent(s) Mr. Sarvesh Singh Baghel, AOR
 Ms. Sakshi Kakkar, Adv.

Mr. Randhir Kumar Ojha, AOR

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

The present Special Leave Petition has been filed assailing the order dated 26th August, 2021 passed by the High Court declining to interfere in quashing of the criminal proceedings under Section 482 of the Code of Criminal Procedure.

It reveals from the record that on a criminal complaint filed

by respondent no.2 dated 1st April, 2021, FIR was registered on 9th April, 2021 for the offences punishable under Sections 323, 504, 506 of the Indian Penal Code and Section 3(1)(s), 3(2)(va) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 and charge sheet came to be filed. At this stage, quashing proceedings were initiated by the petitioner under Section 482 of the Code, without appreciation of the material on record, the High Court dismissed the petition by order impugned dated 26th August, 2021.

As per the criminal complaint on which FIR was registered, after taking note of the statement of the victim under Section 161 of the Code, it was alleged that on 31st March, 2021 at 2.00 p.m. when the victim was washing his hands and mouth at a public tap, the petitioners were standing at their shop and on being approached assaulted the victim and abused him with caste related remarks in public and also threatened him. Although, after investigation charge sheet came to be filed. However, after the notice was issued by this Court, an affidavit has been filed by respondent no.2(complainant) in which it is specifically stated by him that such an incident although had not occurred in the manner as being recorded in the charge-sheet and the statement has been deposed in his affidavit stating that it has occurred because of misunderstanding. Relevant paragraphs of the affidavit are quoted hereunder:

"2. I say that the deponent is not much educated person. The deponent did not tell to the typist (who was typing the complaint) to type caste words in the complaint.

It was inadvertently added by the typist. In actual, I came to the hand pump situated in front of the shop of Manoj Goyal and Ajay Goyal for drinking water on 23.03.2021. I drunk the water and went away peacefully. Later on some market people told me that Manoj Goyal and Ajay Goyal were using caste words against me when I went there to drink water.

3. I say that I filed a complaint against Manoj Goyal and Ajay Goyal in the police station Hapur Nagar, Distt. Hapur after instigation of the market people.

4. I say that after registration of FIR, the deponent met with Manoj Goyal and Ajay Goyal. They told me that they had not use casteist words against me and some people wanted to make a fight between me and them.

5. I say that the market people have told false things against Manoj Goyal and Ajay Goyal. After intervention of common friends and well wishers, the misunderstanding between the deponent and Manoj Goyal, Ajay Goyal have been resolved amicably. No controversy remained left between us."

After we have heard the learned Counsel for the parties and taking into consideration what has been stated by respondent no.2(complainant) in his affidavit of which a reference has been made, no purpose is going to be served in permitting the prosecution to proceed any further, and it is nothing but be a clear abuse of the process of law.

Consequently, the FIR No.256/2021, dated 9th April, 2021, registered for the offences punishable under Sections 323, 504, 506 of the Indian Penal Code and Sections 3(1)(s), 3(2)(va) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989, and proceedings pursuant thereto are hereby quashed and set

aside.

The Special Leave Petition stands disposed of in the above terms.

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

(POOJA SHARMA)
COURT MASTER (SH)

(BEENA JOLLY)
COURT MASTER (NSH)