

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.439 OF 2017

(@Petition(s) for Special Leave to Appeal (Crl.) No(s).892/2017)

DEEPAK

Petitioner(s)

VERSUS

STATE & ANR.

Respondent(s)

O R D E R

Leave granted.

We have heard the learned counsel appearing for the parties.

This appeal has been filed by the appellant challenging the order passed by the High Court refusing the prayer made under Section 482 of the Code of Criminal Procedure, 1973 seeking quashing of complaint bearing C.C. No.4/B/14 titled as 'Kavita vs. Deepak and Ors.' under Section 494/495 of the Indian Penal Code pending in the Court of Metropolitan Magistrate-05 (North), Rohini Court, Delhi.

After carefully perusing the material available on record, we have specifically found that on the basis of which allegations have been made with regard to marriage of the appellant, such marriage has already been declared as null and void by a decree of nullity dated 7-8-2015.

In our opinion, the complaint which has been filed against the appellant cannot proceed at all and should have been dismissed by the High Court as the aforesaid fact might have escaped the attention of the said Court.

If the complaint filed by Respondent No.2 is allowed to proceed against the appellant - herein, then it would be nothing but the abuse of the process of law.

In our opinion, there are sufficient grounds to allow the appeal filed by the appellant and the impugned order passed by the High Court is liable to set aside.

In view of the above, we set aside the impugned order of the High Court and the complaint, as aforesaid, filed by Respondent No.2 - herein against the appellant is quashed.

The appeal is allowed in the afore-stated terms.

.....J
(PINA KI CHANDRA GHOSE)

.....J
(ROHINTON FALI NARIMAN)

NEW DELHI;
1ST MARCH, 2017.

ITEM NO.53

COURT NO.6

SECTION IIC

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). 892/2017

(Arising out of impugned final judgment and order dated 30/09/2016 in CRLMC No. 3005/2016 passed by the High Court of Delhi at New Delhi)

DEEPAK

Petitioner(s)

VERSUS

STATE & ANR.

Respondent(s)

(With interim relief and Office Report)

Date: 01/03/2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE PINAKI CHANDRA GHOSE
HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN

For Petitioner(s)

Mr. Harsh Jaidka, Adv.
Mr. Ajay Choudhary, Adv.

For Respondent(s)

Mr. Dilip Singh, Adv.
Mr. Kailash Chandra, 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.

(VISHAL ANAND)
COURT MASTER

(HARESH SINGH NEGI)
COURT MASTER

(Signed Order is placed on the file)