

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.22 OF 2020
[@ SPECIAL LEAVE PETITION (CRIMINAL) Diary No(s). 11626/2018]

RAJU & ANR.

Appellant (s)

VERSUS

THE STATE OF UTTAR PRADESH & ANR.

Respondent(s)

O R D E R

Leave granted.

We have heard learned counsel for the parties.

This appeal has been filed against order dated 23.09.2016 passed by the learned Single Judge dismissing the Criminal Misc. Writ Petition No. 9559 of 2004. The writ petition was filed by the appellants praying for quashing the order summoning the appellants in Criminal Case No. 130/2000 under Sections 323/504/506 of the Indian Penal Code read with Section 3(1)(x) of Schedule Caste and Schedule Tribunal (Atrocities) Prevention Act.

A joint application was filed before the High Court in Writ Petition No. 9559/2004 signed by the complainant and the appellants where the prayer was made for compounding the offence. It appears that when the writ petition was called before the learned Single Judge on 23.09.2016, no one appeared on behalf of the appellants to press the petition. The learned Single Judge made observation that it appears that either the cause of action no more survives or the writ petitioners have lost interest in the matter or otherwise has

become infructuous. On the said basis, the Court observed that the appellants are not able to make out a case for interference by the Court nor any relief can be granted and the writ petition was dismissed.

The joint affidavit filed in the High Court on 20.08.2015 has been brought on record.

Learned counsel for the appellants submits that he will appear before the High Court in event an opportunity is given to the appellants.

In facts of the present case, ends of justice be served in setting aside the order of the learned Single Judge and reviving the writ petition to its original number. Both the parties agree to appear before the Court on 03.02.2020. We further make it clear that we have not expressed any opinion on the merits of the case and the High Court may take appropriate decision.

The criminal appeal is allowed.

Interim protection granted by this Court shall continue for a period of one month.

.....J.
[ASHOK BHUSHAN]

.....J.
[M.R. SHAH]

NEW DELHI;
January 8, 2020.

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

SPECIAL LEAVE PETITION (CRIMINAL) Diary No(s). 11626/2018

(Arising out of impugned final judgment and order dated 23-09-2016 in CRLMW No. 9559/2004 passed by the High Court Of Judicature At Allahabad)

RAJU & ANR.

Petitioner(s)

VERSUS

THE STATE OF UTTAR PRADESH & ANR.

Respondent(s)

Date : 08-01-2020 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ASHOK BHUSHAN
HON'BLE MR. JUSTICE M.R. SHAHFor Petitioner(s) Mr. Vivek Narayan Sharma, AOR
Mr. Ajay Singh, Adv.
Mr. Jasdeep Singh, Adv.
Priyansh Sharma, Adv.
Dr. Shesh Mani Pandey, Adv.For Respondent(s) Mr. Krishnanand Pandeya, AOR
Mr. Anil Kumar Verma, Adv.

UPON hearing the counsel the Court made the following

O R D E R

Delay condoned.

Leave granted.

The criminal appeal is allowed in terms of the signed order.

Pending application, if any, stands disposed of.

(MEENAKSHI KOHLI)
COURT MASTER(RENU KAPOOR)
COURT MASTER

[Signed order is placed on the file]