

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION  
CRIMINAL APPEAL NO. 696 OF 2020  
(Arising out of SLP (Cr1.) No. 4505/2020)

KALU YADAV

Appellant(s)

VERSUS

THE STATE OF UTTAR PRADESH & ANR.

Respondent(s)

O R D E R

Leave granted.

We have heard learned counsel appearing for the parties. A perusal of the FIR dated 19.08.2018 as well as the charge-sheet dated 07.11.2018 would show that the case is a completely civil one for payment of the remaining amount in respect of the goods. The FIR also goes on to say that threat to life was made against a political person without giving any details. Having perused the FIR and the charge-sheet, it is clear that no case under Section 406 has been made out. Equally, the case under Section 506 is completely vague and bereft of particulars.

In this view of the matter, we quash the proceedings. We may also record that learned counsel for the State has vehemently argued that the appellant can always apply under Section 239 for discharge and has cited State of Karnataka vs. L. Muniswamy and Others, (1977) 2 SCC 699 (para 10). There is no doubt that he may, in certain fit cases apply, for discharge, but the present is a case in which the FIR and the charge-sheet do not make out any case under the aforesaid sections of the IPC.

This being the case, it is not necessary to prolong the agony of the appellant. The impugned judgment of the High Court is set aside and the appeal is allowed in the aforesaid terms.

..... J.  
(ROHINTON FALI NARIMAN)

..... J.  
(NAVIN SINHA)

..... J.  
(HRISHIKESH ROY)

New Delhi;  
October 26, 2020.



**(Signed order is placed on the file)**