

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NOS.218-219 OF 2020
(Arising out of SLP(CrI.) Nos. 964-965 of 2020)
(Diary No. 23143 of 2019)

NAVITA BABAR

Appellant (s)

VERSUS

THE STATE OF RAJASTHAN & ORS.

Respondent(s)

O R D E R

Delay condoned.

Leave granted.

These appeals take exception to the judgment and final orders dated 28.11.2018 and 30.04.2019 passed by the High Court of Judicature for Rajasthan, Bench at Jaipur in S.B. Criminal Misc. (Petition) No. 7276 of 2018 and S.B. Criminal Misc. Application No. 185 of 2019, whereby the High Court by order dated 28.11.2019 disposed of petition filed under Section 482 Cr.P.C. for quashing of FIR by making observations on the merits of the controversy.

The appellant before this court though was impleaded as respondent No.2 in the quashing petition was not put to notice nor the impugned order adverts to the objection raised by the public prosecutor.

According to the appellant, the High Court was not right in observing that the allegations in the second FIR pertained to the same matter which is noted in the first FIR filed against the accused. Moreover, the High Court was not apprised of the fact that in the second FIR the complainant(appellant) had filed protest petition which is allowed by the competent Court and the said matter is proceeded in accordance with law. It is not necessary for us to examine these aspects for the first time.

We deem it appropriate to set aside the impugned judgment and final order and relegate the parties before the High Court for reconsideration of the quashing petition afresh on its own merits and in accordance with law. All contentions available to both the parties be decided in its own merit uninfluenced by any observation made in the impugned order.

The criminal appeals are disposed of accordingly.

Pending applications, if any, stand disposed of.

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

.....J
(DINESH MAHESHWARI)

New Delhi
February 03, 2020

ITEM NO.40

COURT NO.6

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

SPECIAL LEAVE PETITION (CRIMINAL) Diary No(s). 23143/2019

(Arising out of impugned final judgment and order dated 28-11-2018 in SBCRMP No. 7276/2018 30-04-2019 in SBCMA No. 185/2019 passed by the High Court Of Judicature For Rajasthan At Jaipur)

NAVITA BABAR

Petitioner(s)

VERSUS

THE STATE OF RAJASTHAN & ORS.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.101275/2019-CONDONATION OF DELAY IN FILING and IA No.101279/2019-EXEMPTION FROM FILING O.T.)

Date : 03-02-2020 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE MR. JUSTICE DINESH MAHESHWARI

For Petitioner(s)

Mr. Namit Saxena, Adv.
Mr. P. V. Dinesh, AOR

For Respondent(s)

Dr. Manish Singhvi, Sr. Adv.
Mr. Satyendra Kumar, Adv.
Mr. Arpit Parkash, Adv.
Mr. D.K. Devesh, AOR
Mr. Milind Kumar, AOR

Mr. Arjun Harkauli, AOR
Mr. Aarzoo Khurann, Adv.
Mr. Prateek Garg, Adv.

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

Delay condoned.

Leave granted.

The criminal appeals are disposed of 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]