

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPEAL No.959 of 2017
(ARISING OUT OF SLP (CRI.) NO. 5919 OF 2014)

ANIL KUMAR SHARMA

...APPELLANT

VERSUS

STATE OF BIHAR AND ANR.

... RESPONDENT(S)

ORDER

Leave granted

The seminal issue that arises for consideration in this appeal, by special leave, is whether the High Court was correct in exercising inherent powers under Section 482 of the Code of Criminal Procedure (CrPC) to quash an order, of Judicial magistrate, 1st Class, Patna taking cognizance, dated 12.08.2005 as well as the entire criminal proceedings in connection with Complaint case No. 2475-(C)/2004.

This Court by order dated July 25, 2014 was pleased to issue notice. Pursuant to the aforesaid order, show cause notice was issued to both respondents. Although learned advocates for respondents have entered appearance, they have not filed any counter affidavit in this case.

Heard learned counsel for both parties and perused the impugned order of the High Court.

We are unable to appreciate the reasonless order passed by the High Court in this case at hand. The existence of an arbitration agreement or an award would settle the dispute, but the same does not diminish the fact that a crime was committed. Hence, those are not good reasons for the High Court to axe down the complaint at the threshold itself. The investigating agency should have had the freedom to investigate into all the facts in this case and come to an independent conclusion.

In facts and circumstances of this case, we allow the appeal and set aside the impugned judgment of the High Court.

.....J.
(**N. V. RAMANA**)

.....J.
(**PRAFULLA C. PANT**)

NEW DELHI
DATED - APRIL 28, 2017

ITEM NO.22

COURT NO.10

SECTION IIA

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). 5919/2014

(Arising out of impugned final judgment and order dated 03/07/2013 in CRLM No. 48192/2005 passed by the High Court Of Patna)

ANIL KUMAR SHARMA

Petitioner(s)

VERSUS

STATE OF BIHAR & ANR

Respondent(s)

(with appln. (s) for exemption from filing O.T. and office report)

Date : 28/04/2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE N.V. RAMANA

HON'BLE MR. JUSTICE PRAFULLA C. PANT

For Petitioner(s)

Ms. Kheyali, Adv.

Mr. U.P. Singh, Adv.

Mr. Chandra Prakash, Adv.

For Respondent(s)

Mr. Rudreshwar Singh, Adv.

Mr. Vivek Vardhan, Adv.

Ms. Isha Singh, Adv.

Ms. Snehil Sonam, Adv.

For Mr. Samir Ali Khan, Adv.

Ms. Rashmi Singh, Adv.

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

Leave granted.

This appeal is allowed in terms of the signed
order.

[SUKHBIR PAUL KAUR]

A.R.-CUM-P.S.

(Signed order is placed on the filed)

[S.S.R.KRISHNA]

ASSISTANT REGISTRAR