

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 72 OF 2019  
(Arising out of SLP(Criminal) No. 7956 of 2015)

MUKESH AND ANR.

.. Appellant(s)

Versus

STATE OF U.P. AND ANR.

.. Respondent(s)

O R D E R

Leave granted.

1. Feeling aggrieved by the impugned order dated 04.08.2015 passed by the High Court of Judicature at Allahabad in Application under Section 482 No. 21970 of 2015 by which the High Court had rejected the said application and refused to quash the complaint/criminal proceedings, the original accused have preferred the present appeal.

2. We have heard learned counsel for the respective parties at length. We have also perused and considered the complaint filed by the original complainant. Considering the nature of allegations in the complaint, we are of the opinion that the complaint/criminal proceedings are nothing but an abuse of process of law. It is to be noted that the criminal complaint filed by respondent No. 2 was initially for the offence punishable under Sections 307, 323, 504 and 506 of the Indian Penal Code. However, thereafter the Court took cognizance for the offence punishable under Section 323/506, Indian Penal Code only.

3. Having noted the allegations in the complaint and the place where the alleged incident had taken place, it appears that the story put forward in the complaint is not believable at all.

4. The place of the alleged incident was the court premises where the Lok Adalat was organised.

5. Looking to the allegations, it appears that continuation of the criminal proceedings against the applicant would be nothing but unnecessary harassment to the accused.

6. Therefore, we are of the opinion that this is a fit case to exercise the powers under Section 482, Cr.P.C. and to quash the criminal proceedings.

7. For the reasons stated above, the proceedings in Criminal Complaint No. 276/2014 under Section 323/506, IPC, Women's Police Station Nawabad, Jhansi are quashed and set-aside.

8. The appeal is accordingly allowed to the aforesaid extent.

.....J.  
(HEMANT GUPTA)

.....J.  
(M. R. SHAH)

New Delhi.

Dated: 10<sup>th</sup> January, 2019.

ITEM NO.16

COURT NO.14

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

Petition for Special Leave to Appeal (Cr1.) Nos. 7956/2015

(Arising out of impugned final judgment and order dated 04-08-2015 in  
APP No. 21970/2015 passed by the High Court Of Judicature At Allahabad)

MUKESH &amp; ANR.

Petitioner(s)

VERSUS

THE STATE OF UTTAR PRADESH &amp; ANR.

Respondent(s)

Date :10-01-2019 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE HEMANT GUPTA  
HON'BLE MR. JUSTICE M.R. SHAH

For Petitioner(s) Mr. Dushyant Parashar, AOR

For Respondent(s) Mr. Vishnu Shankar Jain, AOR  
Mr. Vinay Rajput, Adv.  
Mr. Pankaj Verma, Adv.Mr. Uday Prakash, Adv.  
Mr. Ramjee Pandey, AORUPON hearing the counsel the Court made the following  
O R D E R

Leave granted.

The appeal is allowed to the extent mentioned in the  
signed order.[ Charanjeet Kaur ]  
A.R. -cum-P.S.[ Renu Kapoor ]  
Branch Officer

[ Signed order is placed on the file ]