

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.587 OF 2019
(@ out of SLP (CrI.) No.172/2019)

RIZWANA TARANNUM @ NIKKI

Petitioner(s)

VERSUS

THE STATE OF JHARKHAND & ANR.

Respondent(s)

O R D E R

Leave granted.

Heard learned counsel.

By order dated 04.10.2019 passed in CrI.M.P. No.3242/2018, the High Court of Jharkhand at Ranchi allowed the application preferred by respondent No.2 herein for quashing of order dated 07.09.2018 passed against said respondent No.2 in connection with C.P. case No.44 of 2018 by Judicial Magistrate, Dhanbad.

The order dated 07.09.2018 passed by the Judicial Magistrate indicates that it was the absence on part of the respondent No.2 which was the basis for passing said order. This order was, however, set aside by the High Court on the ground that order did not reveal any appropriate reasons and such order deserved to be quashed.

We have gone through the record and heard learned counsel. In our view, the assessment made by the High Court was completely incorrect.

The order did reveal the reason, namely, the absence on part of respondent No.2-accused and a logical consequence which had to

follow in the matter. We do not find any infirmity in the order passed by the Judicial Magistrate. We therefore, allow this appeal, set aside the order passed by the High Court and restore the order passed by the Judicial Magistrate on 07.09.2018.

The logical consequences of restoration of that order will therefore must follow.

The record shows that in ABA No.6870/2018 the High Court had passed an order on 26.10.2018 directing both the parties to remain personally present on 22.02.2019 so that in their presence possibility of reconciliation through the process of mediation could be explored.

We have not in any way modified that direction.

With the aforesaid observations, this appeal stands disposed of.

Pending applications, if any, shall also stand disposed of.

.....J.
(UDAY UMESH LALIT)

.....J.
(INDU MALHOTRA)

New Delhi,
April 2,2019.

