



2025 INSC 658

REPORTABLE

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. OF 2025
(@ Special Leave Petition (Crl.) No. 10483/2024)

GOPAL GOVIND LAKADE & ANR. . . . APPELLANT(S)

VERSUS

THE STATE OF MAHARASHTRA & ANR. . . . RESPONDENT(S)

O R D E R

Leave granted.

2. Respondent no.2 has been served. However, there is no representation on behalf of respondent no.2. In the circumstances, we have heard learned counsel for the appellant(s) and learned counsel for the respondent/State.

3. Learned counsel appearing for the appellant(s) drew our attention to the impugned order. For immediate reference, the impugned order dated 30.10.2023 passed by the Division Bench of the High Court of Bombay, Aurangabad Bench, in Criminal Application No. 2439/2023 is extracted as under -

"P.C.

1. After hearing the learned advocate for the applicants for sometime, we are not inclined even to issue notice in this matter.

2. Writ petition stands dismissed."

4. Learned counsel for the appellant(s) submitted that there has been no consideration of the case of the appellant(s) by the Division Bench of the High Court. The High Court was not even inclined to issue notice to the respondent(s) in the application filed by the appellant(s) herein; that there is a civil dispute between the appellant(s) and respondent no.2 which has been given a criminal colour and an FIR has been lodged against the appellant(s) herein which was sought to be quashed. There being no reason whatsoever for dismissing the complaint, let alone declining to even issue notice, the impugned order may be set aside and the matter may be remanded to the High Court.

5. Learned counsel for the respondent(s)/State submitted that appropriate orders may be made in this appeal having regard to the nature and tenor of the impugned order.

6. We find that the appellant(s) herein had filed a criminal application seeking quashing of the complaint filed against the appellant(s). If the Division Bench of the High Court was not inclined to even issue notice to the respondent(s), then reasons ought to have been assigned for that purpose, or in the alternative, notice should have been issued to the respondent(s) and after giving a fair opportunity to both sides, dismissed the complaint on merits. In the absence of any of the aforesaid options being exercised by the Division Bench of the High Court, we find that the impugned order is in

violation of the principles of natural justice inasmuch as we are not able to gather any reason as to why the High Court was not inclined to even issue notice to respondent(s) in the application filed by the appellant(s) herein seeking quashing of the FIR registered against the appellant(s).

7. In the circumstances, we have no option but to set aside the impugned order and restore Criminal Application No. 2439/2023 on the file of the High Court, by remanding the matter to the High Court with a request to dispose the same on its own merits and in accordance with law.

8. This appeal is allowed and disposed of in the aforesaid terms.

.....J.
(B.V. NAGARATHNA)

.....J.
(SATISH CHANDRA SHARMA)

NEW DELHI;
MAY 06, 2025.

