

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.2788/2023
[@ SLP [CRL.] NO.8261/2022]

RAM MURTI SHUKLA & ANR. Appellant(s)

VERSUS

THE STATE OF UTTAR PRADESH & ANR. Respondent(s)

O R D E R

Leave granted.

The State has entered appearance but respondent No.2/complainant, despite service, has not appeared before the Court.

The dispute relates to a summoning order dated 08.02.2022 passed by the Special Judge, Decoity Affected Area/III Additional Sessions Judge, Farrukhabad in complaint case No.170/2019 under Section 392 of IPC filed by respondent No.2.

Respondent No.2's case is the application under Section 156(3) of Cr.P.C. that the appellants in the present case had looted Rs.2650 from respondent No.2. The appellant No.1's daughter is married to respondent No.2 and a complaint under Section 498A, 323,506,313,377, IPC and under Section 3 & 4 of the Dowry Prohibition Act has been filed against respondent No.2. It is thus, alleged that the

aforsaid is really a counter blast to the said complaint.

The endeavour of the appellants to seek quashing under Section 482 Cr.P.C. did not succeed before the High Court vide impugned judgment and order dated 08.06.2022.

The FIR states that on 27.08.2019, after hearing of the case against respondent No.2, while respondent No.2 was coming to Farrukhabad, three unknown persons on the strength of their illegal weapons stopped him forcefully and after giving abuses, asked him to take back all the cases otherwise he will be killed. The appellants are alleged to have forcefully looted Rs.2650 cash from the pocket of the respondent No.2/complainant.

We are conscious that normally the power under Section 482, Cr.P.C. is to be exercised sparingly but the very sequence of events stated herein in the complaint case filed makes it quite obvious that almost an unbelievable story has been made to somehow create a case under Section 392, IPC as a counter blast to the proceedings pending against the respondent No.2.

Despite the notice and opportunity to explain his stand, learned counsel for respondent No.2 has not joined the proceedings.

In view of the aforesaid, we consider appropriate to quash the summoning order dated 08.02.2022 and allow the appeal.

Parties to bear their own costs.

.....J.
[SANJAY KISHAN KAUL]

.....J.
[SUDHANSHU DHULIA]

NEW DELHI;
SEPTEMBER 12, 2023.

ITEM NO.23

COURT NO.2

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

Criminal Appeal No(s). 2788/2023

RAM MURTI SHUKLA & ANR.

Appellant(s)

VERSUS

THE STATE OF UTTAR PRADESH & ANR.

Respondent(s)

Date : 12-09-2023 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE SUDHANSHU DHULIA

For Appellant(s) Mrs. Mona K. Rajvanshi, AOR

For Respondent(s) Mr. Ankit Goel, AOR
Ms. Shweta Yadav, Adv.UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The appeal is allowed in terms of the signed order.

Pending application, if any, stands disposed of.

(ASHA SUNDRIYAL)
ASTT. REGISTRAR-cum-PS(POONAM VAID)
COURT MASTER (NSH)

[Signed order is placed on the file]