

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 886 OF 2022
(Arising out of SLP (CrI.) No(s). 4509/2022)

HARSH R. KILACHAND & ANR.

Appellant(s)

VERSUS

STATE OF UTTARAKHAND & ORS.

Respondent(s)

O R D E R

Leave granted.

The present appeal has been preferred for quashing of the FIR No. 17 of 2022 dated 24.02.2022 registered with Police Station Mukteshwar, District Nainital, Uttarakhand for the offence punishable under Section 420 IPC.

We have heard Ms. Meenakshi Arora, learned senior counsel for the appellants and with her assistance have gone through the various orders passed by the learned Single Judge of the High Court disposing of the criminal writ petition in a cyclostyled manner.

Prima facie, we are of the view that while passing these orders, the learned Judge has not taken pains to look into the merits of the matter and has passed

cyclostyled orders.

Learned counsel for the appellants, on instructions, submits that the counsel for the appellants before the High Court tried to persuade the Court to appreciate the facts on merits for quashing of the FIR in regard to which the complaint was made but the order impugned dated 04.04.2022 does not disclose even the bare facts for appreciation and this is the reason for the appellants to approach this Court by filing this appeal.

In our considered view, the manner in which the order impugned dated 04.04.2022 has been passed by the High Court under Article 226 of the Constitution cannot be appreciated by this Court.

Consequently, the appeal is allowed. The order impugned dated 04.04.2022 is hereby set-aside and the Criminal Writ Petition No. 514/2022 is restored on the file of the High Court of Uttarakhand and to be heard on its own merits, in accordance with law.

For a period of eight weeks, the respondents are restrained from taking any coercive action against the appellants in reference to FIR No. 17 of 2022.

The appellants are at liberty to file an application seeking interim protection before the High Court.

We further request the Chief Justice of the High Court to list the Criminal Writ Petition before another Judge.

Pending application(s), if any, stands disposed of.

..... J.
[AJAY RASTOGI]

..... J.
[B.V. NAGARATHNA]

NEW DELHI;
MAY 31, 2022.

ITEM NO.9

COURT NO.2

SECTION II-B

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 (CrI.) No(s). 4509/2022

(Arising out of impugned final judgment and order dated 04-04-2022 in CRLWP No. 514/2022 passed by the High Court Of Uttarakhand At Nainital)

HARSH R. KILACHAND & ANR.

Petitioner(s)

VERSUS

THE STATE OF UTTARAKHAND & ORS.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.70528/2022-EXEMPTION FROM FILING O.T.)

Date : 31-05-2022 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE AJAY RASTOGI
HON'BLE MRS. JUSTICE B.V. NAGARATHNA

For Petitioner(s) Ms. Meenakshi Arora, Sr. Adv.
Mr. Manish Kumar Saryal, Adv.
Mr. Rishi Malhotra, AOR

For Respondent(s)

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. The operative part of the order reads as under:

"For a period of eight weeks, the respondents are restrained from taking any coercive action against the appellants in reference to FIR No. 17 of 2022.

The appellants are at liberty to file an application seeking interim protection before the High Court.

We further request the Chief Justice of the High Court to list the Criminal Writ Petition before another Judge."

Pending application(s), if any, stands disposed of accordingly.

(BEENA JOLLY)
COURT MASTER (NSH)

(ASHWANI THAKUR)
ASTT. REGISTRAR-cum-PS
(Signed order is placed on the file)