2023 INSC 668

NON-REPORTABLE

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 2255 OF 2023
(@ SPECIAL LEAVE PETITION (Crl) NO. 4405 OF 2018)

SUNIL KUMAR .....APPELLANT

VERSUS

STATE OF U.P. & ANR. .....RESPONDENTS

J U D G M E N T

BELA M. TRIVEDI, J.

1. Leave granted.

2. The present Appeal is directed against the judgment and order dated 13.03.2018 passed by the High Court of Judicature at Allahabad in Application No. 31175 of 2015 filed by the appellant-applicant seeking quashing of the chargesheet as well as the entire proceedings in respect of the case no. 3354 of 2015 pending in the Court of Chief Judicial Magistrate, Fatehpur (U.P.), whereby the High Court has dismissed the said Application.

3. The appellant was working as an Assistant Engineer in Uttar Pradesh Power Corporation Ltd. and the respondent no. 2 was working as Peon in the said office of the petitioner. On 11.09.2014, the appellant lodged an F.I.R. being no. 509 of 2014 before the Inspector In Charge, Kotwali Sadar, District Fatehpur alleging, *inter alia,* that an altercation had taken place between him and the respondent no. 2 in connection with some articles to be given to one consumer from the store, and the respondent no. 2 suddenly got annoyed and started abusing and threatening the appellant, and also tried to assault him with his sleeper. On the next day i.e., on 12.09.2014, the respondent no. 2 also lodged a complaint against the appellant before the said police station in respect of the said incident, and alleged that the appellant had assaulted, abused and also threatened to kill him. After the investigation, the Investigating Officer submitted the chargesheet against the appellant in respect of the F.I.R. No. 255 of 2014 for the offence under Section 323, 504 and 506. The appellant, therefore, filed the Application being no. 31175 of 2015 before the High Court to quash the said proceedings, which has been rejected vide the impugned order.

4. Heard the learned counsel for the appellant and for the respondent no. 1 - State of U.P. Nobody has entered appearance for the respondent no. 2 though duly served. Possibly, he has nothing to say and object.

5. Having regard to the submissions made by the learned counsel for the parties and to the documents on record particularly from the cross complaints filed by the appellant and the respondent no. 2 against each other, it appears that the alleged incident had taken place on 11.09.2014 in the office of the appellant, and the chargesheet was filed in the Court of Chief Judicial Magistrate, Fatehpur (U.P.) against the appellant in respect of the complaint filed by the respondent no. 2. The said case is pending without trial since 2015 in the said court.

6. Considering the nature of allegations against the appellant which are of very trivial nature and considering the fact that there is no progress made in the proceedings since the chargesheet was filed against the appellant in the year 2015, the Court is of the opinion that continuing the proceedings would be a persecution and harassment to the appellant. As such a petty incident which took place in their office should have been resolved by the parties on that day itself, instead of stretching it so far.

7. In that view of the matter, the proceedings in the case no. 3354 of 2014 pending in the court of Chief Judicial Magistrate, Fatehpur (U.P.) against the appellant are quashed and set aside. The appeal stands allowed.

…….....J.
[SANJIV KHANNA]

…….....J.
[BELA M. TRIVEDI]

NEW DELHI;
03.08.2023