

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl.) No(s). 2227/2025

[Arising out of impugned final judgment and order dated 04-12-2024 in CRMWP No. 1165/2023 passed by the High Court of Judicature at Allahabad, Lucknow Bench]

ABHISHEK MISHRA

Petitioner(s)

VERSUS

THE STATE OF UTTAR PRADESH & ORS.

Respondent(s)

(IA No. 37318/2025 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 37320/2025 - EXEMPTION FROM FILING O.T. IA No. 37315/2025 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 17-02-2025 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE B.R. GAVAI
HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

For Petitioner(s) :Mr. Amit Sangwan, Adv.
Ms. Shivangi Singh, Adv.
Mr. Vikram Pratap Singh, Adv.
Mr. Ashu Bhindwar, Adv.
Mr. Suraj Prakash Singh, Adv.
Mr. Divyesh Pratap Singh, AOR

For Respondent(s) :

UPON hearing the counsel the Court made the following
O R D E R

1. The High Court has non-suited the petitioner only on the ground that the charge-sheet was filed and as such the petition filed under Section 482 Cr.P.C. for quashing does not merit consideration.
2. This Court, time and again, has held that merely filing of charge-sheet is not a ground for refusal to exercise jurisdiction under Section 482 Cr.P.C. Even after filing of the charge-sheet, the High Court is expected to take into consideration whether a prima facie case is made out or not.

VERDICTUM.IN

3. We are of the considered view, that the High Court has totally failed to exercise the jurisdiction vested in it.
4. Issue notice, returnable in four weeks.
5. Dasti service, in addition, is permitted.
6. In addition to the usual mode, liberty is granted to the petitioner(s) to serve notice through the Standing Counsel for the respondent(s).
7. By way of an ad interim order, there shall be stay of further proceedings before the Trial Court qua the petitioner in connection with Case Crime No.0027/2023 registered at P.S. Kotwali City, District Gonda, until further orders.

(NARENDRA PRASAD)
DEPUTY REGISTRAR

(ANJU KAPOOR)
COURT MASTER