

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 2860 OF 2024
[ARISING FROM SLP (Cr1.) No. 10695/2023]

VEERAPPA REDDY

APPELLANT(S)

VERSUS

AMBUJAKSHI & ORS.

RESPONDENT(S)

O R D E R

1. Leave granted.

2. This appeal arises from the judgment and order dated 01.02.2023 passed by the High Court of Karnataka at Bengaluru in Criminal Petition No.2882 of 2019.

3. The mother of the appellant lodged a complaint which was registered as FIR No.205 of 2006. After due investigation, police report under Section 173(2) Cr.P.C. was submitted exonerating all the accused.

4. Protest Petition was filed by the appellant's mother and the sworn statement of the complainant was also recorded, whereafter the learned Magistrate took cognizance of the offence. Aggrieved by the same, the accused preferred a petition under Section 482 Cr.P.C. before the High

Court registered as Criminal Petition No.2882 of 2019.

5. High Court, by the impugned order dated 01.02.2023, has allowed the said petition and quashed the proceedings. Two reasons have been given by the High Court in allowing the said petition. Firstly, that the Magistrate ought to have rejected the B-report (Final Report) before taking cognizance, which he had not done and as such the order taking cognizance was illegal. The second reason as given is that as the F.I.R. was registered belatedly after about 14 days without any explanation, there was sufficient chance of embellishment and after thought.

6. In our considered view, the High Court fell in error in quashing the proceedings. The ground that there was a delay of 14 days in lodging the complaint was explained. The complainant had mentioned in the complaint that delay has been caused in the process of consulting her children. Secondly, once the Magistrate takes cognizance, it is inherent that the said B-report (Final Report) stands rejected or not accepted by the Magistrate. Merely because a specific language

to that effect was not used does not mean that the cognizance order would be bad in law.

7. Learned counsel for the respondent has sought to argue that it was a malafide complaint lodged by the mother-in-law against the son-in-law and his family members as other civil and criminal cases were pending between the parties.

8. We are not going into further merits of the case and would leave it open for the High Court to decide the same afresh as the reasons given by the High Court do not appeal to us.

9. We, accordingly, allow this appeal, set aside the impugned order and restore the Criminal Petition No.2882 of 2019 to its original file before the High Court of Karnataka at Bengaluru.

10. The said Petition would be decided afresh on its own merits after considering all arguments that may be raised by the parties before the High Court.

....., J.
(VIKRAM NATH)

....., J.
(PRASANNA BHALACHANDRA VARALE)

NEW DELHI;
JULY 11, 2024.

ITEM NO.41

COURT NO.7

SECTION II-C

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 (CrI.) No(s). 10695/2023

(Arising out of impugned final judgment and order dated 01-02-2023 in CRLP No. 2882/2019 passed by the High Court Of Karnataka At Bengaluru)

VEERAPPA REDDY

Petitioner(s)

VERSUS

AMBUJAKSHI & ORS.

Respondent(s)

(IA No. 172395/2023 - EXEMPTION FROM FILING O.T.)

Date : 11-07-2024 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE VIKRAM NATH

HON'BLE MR. JUSTICE PRASANNA BHALACHANDRA VARALE

For Petitioner(s) Mr. Shanthakumar V. Mahale, Adv.
Ms. Mrinal Pande, Adv.
Mr. Harisha S.r., AOR

For Respondent(s) Mr. Diwakar K, Sr. Adv.
Mr. Gagan V, Adv.
Mr. Saket Gogia, Adv.
Ms. Sheetal Maggon, Adv.
Mr. Dhawesh Pahuja, AOR

Mr. V. N. Raghupathy, AOR

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(s) shall also stand disposed of.

(NEETU KHAJURIA)
ASTT. REGISTRAR-cum-PS

(RANJANA SHAILEY)
COURT MASTER

(Signed order is placed on the file.)