



ITEM NO.12

COURT NO.11

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

Petition(s) for Special Leave to Appeal (Crl.) No(s).8284/2022

(Arising out of impugned final judgment and order dated 27-05-2022 in A482 No.12607/2022 passed by the High Court of Judicature at Allahabad)

CHAND TARA & ANR.

Petitioner(s)

VERSUS

THE STATE OF UTTAR PRADESH & ANR.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.129984/2022-EXEMPTION FROM FILING O.T.)

Date : 11-11-2022 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MS. JUSTICE BELA M. TRIVEDI

For Petitioner(s) Mr. Sudhir Kumar Sharma, Adv.
Mr. Vinod Sharma, AOR

For Respondent(s)

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

1. The High Court of Judicature at Allahabad vide impugned order dated 27.05.2022 has declined to quash proceedings of Case No.2234 of 2020, arising out of Case Crime No.740 of 2018, registered at Police Station Kotwali Orai, District Jalaun. The above-stated relief was sought by the petitioners in purported exercise of powers of the High Court under Section 482 Cr.P.C.

2. The foremost plea taken by learned counsel appearing on behalf of the petitioners was that there is essentially a civil dispute between the parties originating out of a Sale Deed and the same has been erroneously coloured as a criminal offence.

3. In the instant Special Leave Petition, the petitioners further allege that the charge-sheet filed in the above-mentioned case does not *prima facie* disclose any offence against them.

4. Having heard learned counsel appearing on behalf of the petitioners and taking into consideration the above-mentioned contention, it appears to us that the appropriate recourse for the petitioners would be to move an application for their discharge before the learned Judicial Magistrate. If any such application is filed, let the same be decided in accordance with law.

5. It is clarified that we have not expressed any opinion on the merits of the case.

6. However, keeping in view the nature of the alleged offence and the fact that the petitioners are women, it is directed that upon their furnishing bail bonds to the satisfaction of the Trial Court/learned Judicial Magistrate, they shall be released on bail.

7. The Special Leave Petition is disposed of accordingly.

8. As a sequel thereto, pending interlocutory application also stands disposed of.

(SATISH KUMAR YADAV)
DEPUTY REGISTRAR

(PREETHI T.C.)
COURT MASTER (NSH)