

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 141/2023
[@ SLP (CrI.) NO.8434/2021]

PHOOL CHAND RAM MAHTO @ FULCHAND & ORS. Appellant(s)

VERSUS

THE STATE OF JHARKHAND & ANR. Respondent(s)

O R D E R

On 12.11.2021 we issued notice recording reasons
for doing so:

"Learned senior counsel contends by reference to the complaint filed on 08.02.2017 (pages 53 to 56) that the complainant has filed the complaint in the capacity of the Principal of the Jharkhand Commerce Inter College where he claims to be working since 09.09.2004. He has simultaneously drawn our attention to Annexure P-7 which is an RTI information obtained from the Shamshul Haque Memorial Teachers' Training College vide letter dated 19.01.2018 stating that the complainant is working as Assistant Professor in that institution since 07.05.2015 till that date."

The respondent No.2 has not filed the counter affidavit but has moved an application for quashing of the complaint case itself bearing Complaint Case No.179/2017 titled as *Deg Lal Ram v Phool Chand Mahto & Ors.* registered against the appellant(s) before the

Chief Judicial Magistrate, Giridih and presently pending before the Additional District Judge, XVI cum Special Judge, Dhanbad, Jharkhand.

The only averment made in the application seeking quashing of the complaint by the complainant himself is that he has gained knowledge that the complaint was not based on the correct facts.

In view of the matter being a private complaint, no purpose would be served by keeping the proceedings in the complaint case alive.

We however, cannot let the matter go on that as we did put a question on learned counsel for respondent No.2 as to whether the facts recorded in our order dated 12.11.2021 reflected the position on the ground.

That is not disputed.

We do believe that the respondent No.2 cannot take the system for a ride and spend judicial time in such a scenario. We were inclined to impose exemplary costs against respondent No.2 for his conduct, but looking to his occupation, refrain from doing so while imposing a nominal cost of Rs.10,000/-.

We thus, quash proceedings in complaint Case No.179/2017 and direct the respondent No.2 to deposit the sum of Rs.10,000/- with the Supreme Court Group 'C' (Non-Clerical) Employees Welfare Association within a period of one month from today.

The appeal is accordingly allowed leaving parties to bear their own costs.

.....J.
[SANJAY KISHAN KAUL]

.....J.
[ABHAY S. OKA]

.....J.
[J.B. PARDIWALA]

NEW DELHI;
JANUARY 17, 2023.

ITEM NO.23

COURT NO.2

SECTION II-A

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). 8434/2021

(Arising out of impugned final judgment and order dated 02-08-2021 in CRMP No. 3762/2019 passed by the High Court Of Jharkhand At Ranchi)

PHOOL CHAND RAM MAHTO @ FULCHAND & ORS.

Petitioner(s)

VERSUS

THE STATE OF JHARKHAND & ANR.

Respondent(s)

IA No. 25259/2022 - CLARIFICATION/DIRECTION

IA No. 147168/2021 - EXEMPTION FROM FILING AFFIDAVIT

IA No. 147164/2021 - EXEMPTION FROM FILING O.T.

IA No. 47185/2022 - QUASHING THE NOTIFICATION

Date : 17-01-2023 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL

HON'BLE MR. JUSTICE ABHAY S. OKA

HON'BLE MR. JUSTICE J.B. PARDIWALA

For Petitioner(s) Mr. Mukul Rohatgi, Sr. Adv.
Mr. Aditya K. Chaudhary, Adv.
Mr. Gurmehar Vaan Singh, Adv.
Mr. Mrigank Bhardwaj, Adv.
Mr. Ajit Kumar Pathak, Adv.
Ms. Ranjeeta Rohtagi, Adv.
Mr. Keshav Sachdev, Adv.
Mr. Rajesh Singh Chauhan, AOR

For Respondent(s) Mr. Barun Kumar Sinha, A.A.G.
Mr. Kumar Anurag Singh, Adv.
Mr. Vishnu Sharma, Adv.
Ms. Madhusmita Bora, AOR
Mr. Dipankar Singh, Adv.
Mr. Saroj Kumar Padhy, Adv.

Mr. Keshav Choudhary, Adv.
Mr. D.K. Mishra, Adv.
Mr. Rameshwar Prasad Goyal, 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 applications stand disposed of.

(ASHA SUNDRIYAL)
ASTT. REGISTRAR-cum-PS

(POONAM VAID)
COURT MASTER (NSH)

[Signed order is placed on the file]