

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 160 /2022
(arising out of SLP(Cr1.) No.5973/2014)

MISSU NASEEM & ANR.

APPELLANT(s)

VERSUS

THE STATE OF ANDHRA PRADESH & ORS.

RESPONDENT(s)

WITH

CRIMINAL APPEAL NO. 161 /2022
(arising out of SLP(Cr1.) No.5976/2014)

O R D E R

Delay is condoned in view of the reasons expressed in the order disposing of the appeals.

Leave granted.

The State had registered Crime No. 128/2011 of III Town O.S. Visakhapatnam City in respect of a land issue alleging against the private respondents that they had submitted fake and fabricated house tax book and tax receipts to the Urban Land Ceiling Department to grab valuable Government land. Suffice for us to record that there are civil disputes pending between the private respondents and the appellants before us.

The private respondents filed a petition before the High Court under Section 482 of the Cr.P.C. seeking quashing of the FIR itself. This resulted in the impugned order dated 09.11.2011, and unusual one if we may say so! The appellants before us have sought to assail this order after considerable period of time with a long delay when their case is that this order is sought to be misused in the inter se civil proceedings. We may note that the State

chose not to file any appeal against the quashing order.

On a perusal of the order we find that the submissions of the counsel for the appellants are recorded and thereafter pleadings have been extracted. The reasoning is contained in only the last paragraph which reasons as under:

" As rightly contended by the learned counsel for the petitioners, a perusal of Para 10 of the affidavit clearly indicates that there is no revenue loss to the Government, as highest slab rate was collected by the Government. Even assuming for a moment that the petitioners produced fake and fabricated documents, that has not caused any wrongful loss to the Government. Hence, this Court is of the view that a registration of crime and conducting investigation are abuse of process of law and, hence, the proceedings in the crime are liable to be quashed."

We find the aforesaid reasoning totally unsustainable. The effect of this reasoning is that fabrication of documents is permissible if it does not cause loss to the revenue! We have thus no hesitation in coming to the conclusion that the impugned order must go and is consequently set aside.

The question now is what should be the consequence thereof. We may notice that the FIR was registered on 06.03.2011. More than a decade has passed. The State in its wisdom has chosen to accept the order though in the counter affidavit they now seek to support the FIR. In our view, obviously the State seems not to be perturbed with the order. The appellants are perturbed by the order because that is sought was utilized in the civil proceedings to use it as some kind of clean chit to the private respondents. The latter aspect cannot be permissible and for that reason also we are required to hold that the impugned order is not sustainable. We are thus of the view that no purpose will be served in

remitting the matter back to the High Court or for restarting the investigation in view of the passage of time. Suffice to say that in view of the order being quashed, the private respondents cannot take advantage of the same as a clean chit to them. The civil Court will take its own view on the basis of the evidence before is regarding the inter se disputes between the private parties.

Our only regret is that this issue is pending for almost eight years even before this Court!

We accordingly allow the appeals with the consequences set out in our order leaving the parties to bear their own costs.

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

.....J.
[M.M. SUNDRESH]

NEW DELHI;
FEBRUARY 01, 2022.

ITEM NO.2 Court 6 (Video Conferencing) SECTION II

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

Criminal Appeal No(s). 160/2022

MISSU NASEEM & ANR.

Appellant(s)

VERSUS

THE STATE OF ANDHRA PRADESH DEPARTMENT OF HOME & ORS. Respondent(s)

(IA No. 15429/2014 - CONDONATION OF DELAY IN FILING
IA No. 15428/2014 - EX-PARTE STAY)

WITH

Cr1.A. No. 161/2022 (II)

(IA No. 15435/2014 - CONDONATION OF DELAY IN FILING
IA No. 15434/2014 - EX-PARTE STAY)

Date : 01-02-2022 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE M.M. SUNDRESH

For Appellant(s) Mr. Sidharth Luthra, Sr. Adv.
Mr. S Udaya Kumar Sagar, Adv.
Ms. Bina Madhavan, Adv.
Mr. Balaji Varma, Adv.
Ms. Akansha Mehra, Adv.
Mr. Rao Vishwaja, Adv.
Mr. Anmol Kheta, Adv.
Mr. Lakshay Mehta, Adv.
for M/S. Lawyer S Knit & Co, AOR

Ms. Praseena Elizabeth Joseph, AOR
Ms. Rao Vishwaja, Adv.

For Respondent(s) Mr. Mahfooz Ahsan Nazki, AOR
Mr. Polanki Gowtham, Adv.
Mr. Shaik Mohamad Haneef, Adv.
Mr. T. Vijaya Bhaskar Reddy, Adv.
Mr. K.V. Girish Chowdary, Adv.
Ms. Rajeshwari Mukherjee, Adv.

Mr. Ananga Bhattacharyya, AOR

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

Delay is condoned in view of the reasons expressed in the order disposing of the appeals.

Leave granted.

The appeals are allowed with the consequences set out in our order leaving the parties to bear their own costs.

Pending applications stand disposed of.

[CHARANJEET KAUR]
ASTT. REGISTRAR-cum-PS

[POONAM VAID]
COURT MASTER (NSH)

[Signed order is placed on the file]