

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.....OF 2024
(@ S.L.P. (CrI.) No. 10178 of 2024)

VIDHU GUPTA

Appellant(s)

VERSUS

STATE OF U.P. & ORS.

Respondent(s)

O R D E R

Leave granted.

Heard learned counsel for the parties.

Appellant filed a petition under Article 226 of the Constitution of India for quashing the First Information Report. By the impugned order, the High Court held that that petition had become infructuous due to the fact that the appellant was arrested. The High Court has adopted a strange approach, to say the least. The prayer was for quashing of First Information Report. Even if the appellant was arrested, it was the duty of the High Court to decide the writ petition on merits.

Learned senior counsel appearing for the appellant states that in view of the interim order passed by this Court on 9th August, 2024, now the appellant has been released.

As the High Court had not dealt with the writ petition on merits, we set aside the impugned order dated 7th May, 2024 and restore Criminal Misc. Writ Petition No. 6603 of 2024 to the file of High Court of Judicature at Allahabad.

We direct the Registrar (Judicial) of the High Court of Judicature at Allahabad to list the restored petition on 14th October, 2024 in the morning.

Parties who are represented today shall be under an obligation to appear before the High Court on that day and no fresh notices be issued by the High Court. Till the disposal of the restored writ petition, interim relief granted on 9th August, 2024 shall continue to operate.

We clarify that the interim order will operate only for the benefit of the appellant.

The Appeal is disposed of accordingly.

All contentions on the merits of restored petition are kept open.

Pending application(s), if any, shall stand(s) disposed of.

.....J.
(ABHAY S. OKA)

.....J.
(PANKAJ MITHAL)

New Delhi;
September 20, 2024.

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). 10178/2024

(Arising out of impugned final judgment and order dated 07-05-2024 in CRMWP No. 6603/2024 passed by the High Court of Judicature at Allahabad)

VIDHU GUPTA

Petitioner(s)

VERSUS

STATE OF U.P. & ORS.

Respondent(s)

Date : 20-09-2024 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA
HON'BLE MR. JUSTICE PANKAJ MITHAL

For Petitioner(s) Ms. Meenakshi Arora, Sr. Adv.
Mr. Karuna Krishan Thareja, Adv.
Mr. Shishir Prakash, Adv.
Mr. Mohit D. Ram, AOR
Ms. Sthavi Asthana, Adv.
Ms. Nayan Gupta, Adv.
Ms. Nanakey Kalra, Adv.

For Respondent(s) Mr. K Parameshwar, Sr. Adv, A.A.G.
Mr. Rajat Singh, AOR
Mr. Sarthak Chandra, Adv.

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

The Appeal is disposed of in terms of signed order.

Pending application(s), if any, shall stand(s) disposed of.

(NEETA SAPRA)

COURT MASTER (SH)

(Signed order is placed on the file)

(AVGV RAMU)

COURT MASTER (NSH)