

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 762 2008
(Arising out of SLP(Crl.) No. 4955/2007)

SATISH SURYAVANSHI AND ORS.	...	APPELLANT(S)
:VERSUS:		
STATE OF M.P. AND ANR.	...	RESPONDENT(S)

ORDER

Leave granted.

Appellants are before us aggrieved by and dissatisfied with the judgment and order dated 8.8.2007 passed by the Jabalpur Bench of the Madhya Pradesh High Court whereby and whereunder the application filed by the appellants herein for quashing the First Information Report dated 30.7.2005 lodged by respondent No.2 at Mahila Police Station, Gwalior, has been dismissed, except in respect of one Dr. Yogesh.

Appellants contend that in relation to an almost identical matter, a First Information Report was logged at Nagpur on 19.3.2005. The trial is pending in connection therewith before the VIII Additional Chief Judicial Magistrate, Nagpur in Crime Case No. 175/2006. However, another case was filed by the said respondent before the Gwalior Police Station FIR No. 94/05. It appears some other proceedings

are also pending between the parties.

The impugned order has been passed by the High Court on the premise that the charges involved in the Gwalior matter are different from the one which is pending at Nagpur.

Mr. M.N. Rao, learned senior counsel appearing on behalf of the appellants would submit that the High Court has committed a serious error in so far as it failed to take into consideration that even in relation to the incident purported to have taken place at Gwalior, the second respondent made an additional statement in Nagpur case also on 15.11.2005.

Learned counsel for the State as also the learned counsel appearing on behalf of respondent No.2, however, contended that the cases pending before the Nagpur Court and the Gwalior Court are different.

We are not concerned with the correctness or otherwise of the contents/allegations of the First Information Report bearing No.94/2005 or the additional complaint connected therewith lodged on 15.11.1005 as also the purported second FIR being No. 29/2005 made with the Women Cell at Gwalior. Whereas FIR bearing No. 94/2005 was lodged in respect of an offence under Sections 498-A and 506 read with Section 34 of the IPC, it appears that an additional statement was made purporting to disclose an offence under Sections 498-A and 323 read with Section 34 of IPC. The First Information Report related to the offence under Sections 498, 506

read with Section 334 of the IPC.

As the matter arising out of the First Information Report dated 19.3.2005 as also an additional complaint dated 15.11.2005 is already pending trial in the Court of VIII Additional Chief Judicial Magistrate, Nagpur, we are of the opinion that interest of justice would be subserved if the aforementioned case arising out of FIR No.94/2005 is transferred to Nagpur, so that both the matters could be consolidated and heard together. It is directed accordingly.

It goes without saying that if any additional charge-sheet is filed under any other provision of the Code, the same shall also be taken into consideration by the Trial Court. The Investigating Agency is directed to submit the charge-sheet in FIR No. 94/2005 as expeditiously as possible, preferably within a period of 30 days from the date of communication of this order.

The appeal is allowed with the aforementioned observation and direction.

.....J
(S.B. SINHA)

.....J
(LOKESHWAR SINGH PANTA)

NEW DELHI,
APRIL 28, 2008.