NON-REPORTABLE

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 249 OF 2020
(arising out of SLP (Criminal) No. 5261 of 2019)

MUKUL AGRAWAL AND OTHERS ...APPELLANT(S)

VERSUS

STATE OF U.P. AND ANOTHER ...RESPONDENT(S)

JUDGMENT

NAVIN SINHA, J.

Leave granted.

2. The appellants are aggrieved by order dated 21.05.2019 dismissing their application under Section 482 Cr.P.C. declining to quash the entire proceedings against them in Complaint Case No.2705/2003 filed by the respondent no.2 under Sections 420, 467, 468, 471, I.P.C.

3. The order of the High Court unfortunately only discusses the principles for quashing laid down in judicial precedents and abruptly concludes to decline interference. The order does not reflect any consideration of the facts, the materials and the reasons

why the High Court was not persuaded to entertain the application. We are therefore deprived of the understanding for the reasons why the High Court did not consider it a fit case for interference. Needless to state, any order which is amenable to challenge in a superior court, has to be reasoned and speaking to facilitate better understanding of the order making judicial review an effective exercise.

4. The respondent filed Original Suit No. 12 of 1996 stating that he was a tenant in the disputed shop and was wrongly being asked to vacate, declining to accept rent, seeking a permanent injunction restraining the appellant from evicting him, disconnecting the telephone and water connection etc. The appellant relied on an agreement dated 30.03.1988 to submit that the respondent was working in the disputed shop and that he was not a tenant.

5. Even while the suit was pending, the present complaint came to be filed alleging that the agreement dated 30.03.1988 produced by the appellant in the suit was a false and fabricated document and that the respondent had never signed such an agreement. The basis for the complaint was the opinion of the handwriting expert submitted in the civil court.

6. The civil suit came to be decided on 13.05.2015 holding that the signature of respondent no.2 on the agreement dated 30.03.1988 was forged and that it was a fabricated document.

7. The aggrieved appellant, preferred Civil Appeal No. 17/2015 which has been allowed setting aside the findings in the suit holding that the agreement was not a false and fabricated document.

8. In view of the conclusive opinion of the appellate court that the agreement dated 30.03.1988 was not a forged document, the very substratum of the criminal complaint vanishes. In the circumstances to allow the appellants to be prosecuted will only be a complete abuse of the process of law. The proceedings in Complaint Case No. 2705/2003 are therefore quashed and the appeal is allowed.

.....J.
(Navin Sinha)

.....J.
(Krishna Murari)

New Delhi,
February 10, 2020.