

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 (Crl.) No(s).3159/2025

M/S BALAJI TRADERS

PETITIONER(S)

VERSUS

THE STATE OF U.P. & ANR.

RESPONDENT(S)

[HEARD BY :HON'BLE SANJAY KAROL AND HON'BLE MANOJ MISRA, JJ.]

Date : 05-06-2025 This petition was called on for pronouncement of judgment today.

For Petitioner(s) :

Mr. Anilendra Pandey, AOR
Mr. Anilendra Pandey, Adv.
Mr. Ashutosh Gupta, Adv.

For Respondent(s) :

Mr. Shariq Ahmed, Adv.
Mr. Tariq Ahmed, Adv.
Mr. Vinay Vats, Adv.
Mr. Adnan Yousuf, Adv.
M/S. Ahmadi Law Offices, AOR

1. Hon'ble Mr. Justice Sanjay Karol has pronounced the judgment of the Bench comprising of his Lordship and Hon'ble Mr. Justice Manoj Misra.

2. Leave granted.

3. The appeal is allowed in terms of the signed reportable judgment, which is placed on the file.

4. The operative portion of the judgment reads as under:

"26. Without going into the merits of the case, we are of the view that the instant case is not fit for quashing as the two essential ingredients for

prosecution under Section 387 IPC, as discussed supra have been prima facie disclosed in the complaint, (a) that the complainant has been put in fear of death by pointing a gun towards him; and (b) that it was done to pressurize him to deliver Rs.5 lakhs. The High Court, while quashing, has wrongly emphasized the fact that the said amount was not delivered; it failed to consider whether the money/property was delivered or not, is not even necessary as the accused is not charged with Section 384 IPC. The allegations of putting a person in fear of death or grievous hurt would itself make him liable to be prosecuted under Section 387 IPC. The natural corollary thereof is that the allegation of the criminal case being a counterblast is negated.

27. With the aforesaid observations, the appeal is accordingly allowed. The impugned order dated 28th June, 2024 is set aside, and the proceedings emanating from Complaint Case No.58 of 2022 are restored to the file of the Trial Court. Parties are directed to appear before the Trial Court on 12th August, 2025. Parties are further directed to fully cooperate and the hearing is expedited."

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

(D. NAVEEN)
COURT MASTER (SH)

(NIDHI MATHUR)
COURT MASTER (NSH)