

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.321 OF 2017

[ARISING FROM SPECIAL LEAVE PETITION (CRIMINAL) NO.10138/2016]

KUYADAT ALI AND ORS.

APPELLANT(S)

VERSUS

STATE OF U.P. AND ORS.

RESPONDENT(S)

J U D G M E N T

KURIAN, J.

Leave granted.

2. The appellants are before this Court, aggrieved by the order dated 7.11.2016 passed by the High Court of Judicature at Allahabad. The said order was passed on a petition filed by the appellants herein before the High Court for quashing the FIR dated 1.10.2016 registered at Police Station Kotwali, District Etawah, Uttar Pradesh.

3. The High Court declined to quash the FIR. However, protection from arrest was granted to appellant Nos.2 to 5, subject to their cooperation during the investigation till filing of the Report under Section 173(2) Cr.P.C.

4. The matter came before this Court. On 6.1.2017, this Court passed the following order:-

"Issue notice to Respondent No.3, returnable on 13.2.2017.

The Respondent No.3 is directed to file an affidavit as to what is the stage

of investigation and whether petitioner Nos.2 to 5 have cooperated with the investigation and how much time is required for completion of the investigation.

The affidavit, as above, shall be filed within four weeks.

The High Court has granted interim protection to petitioner Nos.2 to 5. Having regard to the facts and circumstances of the case, we are inclined to grant the same protection to petitioner No.1 as well. Ordered accordingly.

Therefore, we direct all the petitioners to be present before Respondent No.3 on 23.1.2017 at 11.00 A.M. and on such further dates, the Respondent No.3/Investigating Officer requires.

We make it clear that we are inclined to grant this order with the hope that the petitioners will fully cooperate with the investigation."

5. Learned counsel appearing for the State submits that the investigation has been completed and final Report under Section 173(2) Cr.P.C. has been filed before the Court of competent jurisdiction on 2.2.2017. Learned counsel appearing for Respondent No.4 submits that the Court has since summoned the appellants pursuant to the final Report, referred to above.

6. In the peculiar facts of this case and the developments referred to above, we are of the view that there is no point in keeping this appeal pending before this Court any more. The appellants are directed to surrender before the Trial Court. On such surrender, we direct the Trial Court to release them on bail, on their furnishing bail bonds for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two solvent sureties for the like amount.

7. The appeal is disposed of, as above.

8. We make it clear that we have not considered the merits of the matter.

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

.....J.
[KURIAN JOSEPH]

.....J.
[A.M. KHANWILKAR]

NEW DELHI;
FEBRUARY 13, 2017.



JUDGMENT