

Krishna Narain Lal and anr. Vs. State of Bihar and anr.

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Court : Supreme Court of India

Decided On : Mar-26-1999

Reported in : AIR2000SC3612; (1999)9SCC247

Judge : G.T. Nanavati and; S.N. Phukan, JJ.

Acts : Code of Criminal Procedure (CrPC) - Sections 482

Appeal No. : Criminal Appeal No. 370 of 1999 Arising out of SLP (Crl.) No. 2064 of 1993

Appellant : Krishna Narain Lal and anr.

Respondent : State of Bihar and anr.

Judgement :

ORDER

1. Delay condoned.

2. Special leave granted.

3. Heard learned Counsel for the parties.

4. The appellants exercising their right under the hire purchase agreement took over possession of the truck which was in custody of hire-purchaser-respondent No. 2. Respondent No. 2 therefore, filed a complaint with the police against the appellants alleging that by taking over possession of the truck they have

committed offences punishable under Sections 379, 420, I.P.C. The appellants made an application under Section 482, Cr.P.C. for quashing the said FIR but it was dismissed for default of appearance. The appellants, therefore, filed another application seeking the same relief. The High Court dismissed it on the ground that earlier application having been dismissed there was no scope for entertaining the second application. The High Court also observed that if the appellants had any defence then they can disclose the same to the investigating agency.

5. The learned Counsel for the appellants is right in his submission that the High Court ought not to have rejected the application on the ground that it was not maintainable. We also agree with him that the contentions raised by the appellants should have been considered by the High Court before rejecting their application. As that has not been done by the High Court, we allow this appeal, set aside the judgment and order passed by it and remit the matter back to it for deciding it afresh after hearing the parties.

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