

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO._____/2025
[@ SPECIAL LEAVE PETITION (CRIMINAL) NO.13108/2024

AJAY AGARWAL

APPELLANT(S)

VERSUS

STATE OF UTTAR PRADESH & ANR.

RESPONDENT(S)

O R D E R

1. Leave granted.
2. Heard learned counsel appearing for the parties.
3. The appellant filed a petition under Section 482 of the Code of Criminal Procedure, 1973 (for short, 'the Cr.P.C.') for quashing charge-sheet filed under Sections 430, 467, 468, 471, 352, 504, 506 of the Indian Penal Code, 1860.
4. By the impugned order, the High Court has dismissed the petition without considering the merits of the case made out in the petition under Section 482 of the Cr.P.C. The High Court has simply observed that the appellant can raise all contentions while arguing discharge application. This Court has repeatedly held **that the scope of inquiry in discharge application is limited and no document which is not a part of the charge-sheet can be considered at that stage.**
5. As the High Court has not considered the case of the

appellant on merits, we set aside the impugned order dated 20th August, 2024 and restore application under Section 482 of the Cr.P.C. to the file of the High Court. The restored petition shall be listed before the Roster Bench on 17th February, 2025. The parties who are represented today before this Court shall be under an obligation to appear on that day and no further notice shall be served to them.

6. All questions are left open to be decided by the High Court.

7. Interim relief granted by this Court on 14th November, 2024 will continue to operate till further orders are passed by the High Court.

8. A copy of this order shall be forwarded by the Registry to the Registrar (Judicial) of the High Court of Judicature of Uttar Pradesh at Allahabad who will ensure that the application is listed before the Roster Bench.

9. The appeal is partly allowed on above terms.

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

.....J.
(ABHAY S.OKA)

.....J.
(K.V. VISWANATHAN)

NEW DELHI;
JANUARY 10, 2025.

ITEM NO.36

COURT NO.5

SECTION II

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition for Special Leave to Appeal (Crl.) No.13108/2024

[Arising out of impugned final judgment and order dated 20-08-2024 in A482 No. 5623/2024 passed by the High Court of Judicature at Allahabad]

AJAY AGARWAL

Petitioner(s)

VERSUS

STATE OF UTTAR PRADESH & ANR.

Respondent(s)

Date : 10-01-2025 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA
 HON'BLE MR. JUSTICE K.V. VISWANATHAN

For Petitioner(s) Mr. Gaurav, AOR
 Mr. Ravi Bhushan, Adv.
 Mr. Shaurya Krishna, Adv.
 Mr. Amit Garg, Adv.
 Mr. Gaurav Srivastava, Adv.

For Respondent(s) Mr. Sanjai Kumar Pathak, AOR
 Mr. Ankur Sharma, Adv.
 Mrs. Nidhi A. Sharma, Adv.
 Mrs. Shashi Pathak, Adv.
 Mr. Arvind Kumar Tripathi, Adv.

UPON hearing the counsel the Court made the following
 O R D E R

Leave granted.

The appeal is partly allowed in terms of the signed

order.

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

(KAVITA PAHUJA)

AR-cum-PS

(AVGV RAMU)

COURT MASTER (NSH)

[Signed order is placed on the file]