

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO /2026
[ARISING OUT OF SPECIAL LEAVE PETITION (CRL.)
NO.13002/2025]

NAVEEN KUMAR SAH

APPELLANT(S)

VERSUS

STATE OF BIHAR & ORS.

RESPONDENT(S)

O R D E R

1. Leave granted.
2. This appeal impugns judgment and order of the High Court of Judicature at Patna dated 14.07.2025 by which the High Court, while exercising its writ jurisdiction, has quashed the first information report (FIR) pertaining to Case No.246 of 2023, P.S. Mojahidpur, under Sections 341, 323 and 504 of the Indian Penal Code, 1860 (IPC) and Section 27 of the Arms Act, 1959 (Arms Act).
3. In short, the submission of the learned counsel for the appellant (complainant) is that prior to the date the order of the High Court was passed, the Investigating Agency had already submitted a

charge-sheet indicting the accused of offences punishable, *inter alia*, under Sections 188, 290, 341, 323, 504 of the IPC; Section 26(1) of the Arms Act and Section 67 of I.T. Act, 2000. It is submitted that the High Court has failed to consider the charge-sheet and the materials collected in support thereof before exercising its writ jurisdiction to quash the FIR.

4. The learned counsel for respondent no.7, though could not dispute that charge-sheet was submitted before the impugned order was passed, submitted that the allegations are false and malicious. Moreover, there was a dispute regarding a passage which the accused claims to be his own. Otherwise also, the allegations are only regarding a shot being fired in air. As the shot was allegedly fired from a weapon licensed to the accused, no offence was committed by the accused.
5. Be that as it may, as it has been brought on record that before the date of the order of the High Court, a charge-sheet was submitted by the Investigating Agency, the same ought to have been brought to the notice of the High Court.
6. In *Mamta Shailesh Chandra v. State of*

*Uttarakhand and others*¹ it was held that even if charge sheet has been filed, the Court could still examine if offences alleged to have been committed were *prima facie* made out or not on the basis of the FIR, charge-sheet and other documents. Likewise, in *Somjeet Mallick v. State of Jharkhand & Ors.*², this Court held:

“19. No doubt, a petition to quash the FIR does not become infructuous on submission of a police report under Section 173(2) of the CrPC, but when a police report has been submitted, particularly when there is no stay on investigation, the Court must apply its mind to the materials submitted in support of the police report before taking a call whether the FIR and consequential proceedings should be quashed or not. . .”

7. In the light of the law noticed above, we are of the view that since the High Court was not apprised of the charge-sheet submitted after investigation, and the impugned order came to be passed without considering the charge-sheet and the materials collected in support thereof, the impugned order cannot be sustained, and the matter requires reconsideration by the High Court. Consequently, the appeal is allowed. The impugned order dated 14.07.2025 is set aside.

¹ 2024 SCC OnLine SC 136

² 2024 INSC 772 : (2024) 10 SCC 527

The writ petition of the petitioner (respondent no.7 herein), namely, Criminal Writ Case No.531 of 2024, shall stand restored on the file of the High Court to be dealt with afresh in accordance with law.

8. We clarify that parties shall bring on record of the High Court the charge-sheet and the materials submitted in support thereof.
9. Pending application(s), if any, shall stand disposed of.

.....J.
(MANOJ MISRA)

.....J.
(MANMOHAN)

NEW DELHI;
JANUARY 19, 2026

ITEM NO.56

COURT NO.13

SECTION II-A

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.13002/2025

[Arising out of impugned final judgment and order dated 14-07-2025 in CRWJC No. 531/2024 passed by the High Court of Judicature at Patna]

NAVEEN KUMAR SAH

Petitioner(s)

VERSUS

STATE OF BIHAR & ORS.

Respondent(s)

IA No. 209326/2025 - EXEMPTION FROM FILING O.T.

Date : 19-01-2026 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE MANOJ MISRA
HON'BLE MR. JUSTICE MANMOHAN

For Petitioner(s) :Mr. Prashant Singh, Adv.
Mr. Aniket Singh Gautam, Adv.
Mr. Shubham Saxena, Adv.
Mr. Anmol Goyal, Adv.
Ms. Mili Tomar, Adv.
Mr. Abhimanyu Singh, Adv.
Mr. Ashish Pandey, AOR

For Respondent(s) :Mr. Samir Ali Khan, AOR
Mr. Pranjal Sharma, Adv.
Mr. Kashif Irshad Khan, Adv.

Mr. Abhay Singh, AOR
Mrs. Ankita Agarwal, Adv.
Mr. Kapil Dua, Adv.
Mrs. Vandana Anand, Adv.

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

- 1. Leave granted.**
- 2. The appeal is allowed in terms of the signed order which is placed on the file.**
- 3. Pending application(s), if any, shall stand disposed of.**

**(KAVITA PAHUJA)
ASTT. REGISTRAR-cum-PS**

**(SAPNA BANSAL)
COURT MASTER (NSH)**