

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. 292 OF 2022
(Arising out of SLP (CrI.) No. 3579 of 2020)

PRIYANKA YADAV

Appellant(s)

VERSUS

THE STATE OF UTTAR PRADESH & ORS.

Respondent(s)

O R D E R

1. Leave granted.

2. We have heard Mr. Aditya Kr. Choudhary, learned Counsel appearing on behalf of the appellant, Mr. Ajay Kumar Mishra, learned AAG/Sr.Adv. appearing on behalf of the respondent-State of Uttar Pradesh and Mr. Bhuwan Raj, learned counsel appearing on behalf of the respondent(s)-accused.

3. Feeling aggrieved and dissatisfied with the impugned order passed by the High Court of Judicature at Allahabad in Criminal Misc. Writ Petition No. 5614/2020 by which in the petition under Article 226 of the Constitution of India praying for stay of arrest/quashing of the FIR, the High Court, while refusing to quash the criminal proceedings, in exercise of powers under Section 482 Cr.P.C., has passed an order that the private respondents herein - original accused shall not be arrested till the submission of the final report.

4. In the case of Neeharika Infrastructure Pvt. Ltd. vs. State of Maharashtra and Ors., 2021 SCC OnLine SC 315, this Court has disapproved such practice and such orders passed by the High Courts of “no arrest” or “no coercive action” till the final report is filed, despite the High Court has refused to quash the criminal proceedings in exercise of powers under Section 482 Cr.P.C. and/or under Article 226 of the Constitution of India.

5. In that view of the matter, the present Appeal is allowed. The impugned order passed by the High Court in so far as observing that the respondents herein shall not be arrested until the submission of the final report is hereby quashed and set aside.

6. The present appeal is allowed to the aforesaid extent.

..... J.
(M.R. SHAH)

..... J.
(B.V. NAGARATHNA)

New Delhi;
February 28, 2022.

ITEM NO.25 Court 12 (Video Conferencing) SECTION II

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Cr1.) No(s). 3579/2020

(Arising out of impugned final judgment and order dated 17-06-2020 in CRMWP No. 5614/2020 passed by the High Court Of Judicature At Allahabad)

PRIYANKA YADAV

Petitioner(s)

VERSUS

THE STATE OF UTTAR PRADESH & ORS.

Respondent(s)

IA No. 153947/2021 - APPLICATION FOR PERMISSION
IA No. 63890/2020 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 63889/2020 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT
IA No. 153949/2021 - EXEMPTION FROM FILING O.T.
IA No. 63892/2020 - EXEMPTION FROM FILING O.T.
IA No. 63891/2020 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

Date : 28-02-2022 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE M.R. SHAH
 HON'BLE MRS. JUSTICE B.V. NAGARATHNA

For Petitioner(s) Mr. Aditya Kr. Choudhary, Adv.
 Mr. Arjun Singh, Adv.
 Mr. Gurmehar Vaan Singh, Adv.
 Ms. Prachi Singh, Adv.
 Mr. Rajesh Singh Chauhan, AOR

For Respondent(s) Mr. Ajay Kumar Misra, Sr. Adv./AAG
 Mr. Sarvesh Singh Baghel, AOR
 Ms. Malavika Trivedi, Adv.
 Mr. Ashish Ranjan, Adv.

Mr. Bhuwan Raj, AOR
Mr. Sandeep Srivastava, Adv.
Mrs. Hemlata Srivastava, Adv.
Mr. Abhinav Verma, Adv.
Mr. Anubhav Mehrotra, Adv.

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

Leave granted.

The present appeal is allowed to extent as indicated in the signed order.

Pending applications stand disposed of.

(R. NATARAJAN)
ASTT. REGISTRAR-cum-PS

(NISHA TRIPATHI)
BRANCH OFFICER

(Signed order is placed on the file)