

Gopal Govind Lakade & Anr.
v.
The State of Maharashtra & Anr.

(Criminal Appeal No. 2483 of 2025)

06 May 2025

[B.V. Nagarathna and Satish Chandra Sharma, JJ.]

Issue for Consideration

Matter pertains to the correctness of the order passed by the High Court dismissing the application of the appellants seeking quashing of the complaint, and that too without issuing notice to respondents.

Headnotes[†]

Notices/Processes – Non-issuance of, by the court – Violation of natural justice – Criminal application by the appellants seeking quashing of complaint filed against them – High Court dismissed the application, and was not even inclined to issue notice to the respondents – Correctness:

Held: If the Division Bench of the High Court was not inclined to even issue notice to the respondents, then reasons ought to have been assigned for that purpose, or in the alternative, notice should have been issued to the respondents and after giving a fair opportunity to both sides, dismissed the complaint on merits – In the absence of any of the options being exercised by the Division Bench of the High Court, impugned order is in violation of the principles of natural justice inasmuch as no reason can be gathered as to why the High Court was not inclined to even issue notice to respondents in the application filed by the appellants seeking quashing of the FIR registered against the appellants – Impugned order set aside and matter remanded to the High Court. [Paras 6, 7]

List of Keywords

Quashing of complaint; Notice; Fair opportunity; Violation of principles of natural justice.

Supreme Court Reports**Case Arising From**

CRIMINAL APPELLATE JURISDICTION: Criminal Appeal No. 2483 of 2025

From the Judgment and Order dated 30.10.2023 of the High Court of Judicature at Bombay at Aurangabad in CRA No. 2439 of 2023

Appearances for Parties

Advs. for the Appellants:

Mahesh Prakash Shinde, Ashok Kumar Gupta li.

Advs. for the Respondents:

Varad Kilor, Siddharth Dharmadhikari, Aaditya Aniruddha Pande.

Judgment / Order of the Supreme Court**Order**

Leave granted.

2. Respondent no.2 has been served. However, there is no representation on behalf of respondent no.2. In the circumstances, we have heard learned counsel for the appellant(s) and learned counsel for the respondent/State.
3. Learned counsel appearing for the appellant(s) drew our attention to the impugned order. For immediate reference, the impugned order dated 30.10.2023 passed by the Division Bench of the High Court of Bombay, Aurangabad Bench, in Criminal Application No. 2439/2023 is extracted as under -

“P.C.

1. After hearing the learned advocate for the applicants for sometime, we are not inclined even to issue notice in this matter.
2. Writ petition stands dismissed.”
4. Learned counsel for the appellant(s) submitted that there has been no consideration of the case of the appellant(s) by the Division Bench of the High Court. The High Court was not even inclined to issue notice to the respondent(s) in the application filed by the appellant(s) herein; that there is a civil dispute between the appellant(s) and

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respondent no.2 which has been given a criminal colour and an FIR has been lodged against the appellant(s) herein which was sought to be quashed. There being no reason whatsoever for dismissing the complaint, let alone declining to even issue notice, the impugned order may be set aside and the matter may be remanded to the High Court.

5. Learned counsel for the respondent(s)/State submitted that appropriate orders may be made in this appeal having regard to the nature and tenor of the impugned order.
6. We find that the appellant(s) herein had filed a criminal application seeking quashing of the complaint filed against the appellant(s). If the Division Bench of the High Court was not inclined to even issue notice to the respondent(s), then reasons ought to have been assigned for that purpose, or in the alternative, notice should have been issued to the respondent(s) and after giving a fair opportunity to both sides, dismissed the complaint on merits. In the absence of any of the aforesaid options being exercised by the Division Bench of the High Court, we find that the impugned order is in violation of the principles of natural justice inasmuch as we are not able to gather any reason as to why the High Court was not inclined to even issue notice to respondent(s) in the application filed by the appellant(s) herein seeking quashing of the FIR registered against the appellant(s).
7. In the circumstances, we have no option but to set aside the impugned order and restore Criminal Application No. 2439/2023 on the file of the High Court, by remanding the matter to the High Court with a request to dispose the same on its own merits and in accordance with law.
8. This appeal is allowed and disposed of in the aforesaid terms.

Result of the case: Appeal disposed of.