

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPEAL NO. 5423 OF 2024
(@ SLP (CRL.) NO. 11927 OF 2022)**

POONAM MISHRA & ORS.

APPELLANTS

VERSUS

THE STATE OF UTTAR PRADESH & ANR.

RESPONDENTS

WITH

**CRIMINAL APPEAL NO. 5424 OF 2024
(@ SLP(CRL) NO. 12132 OF 2022)**

ORDER

1. Leave granted.
2. The appellants were charged for offences punishable under Sections 498A, 323, 504, 506 of the Indian Penal Code and under Sections 3 and 4 of the Protection of Women from Domestic Violence Act, 2005.
3. The quashing petition as well as the discharge petition filed by the appellants were dismissed and therefore, they have approached this Court by means of the present appeals.
4. Admittedly, the informant/complainant respondent No.2-Ms. Pinki Tiwari has died long back. The mother of the deceased respondent No.2-Ms. Pinki Tiwari who was impleaded but shown as representing the deceased respondent No2, has not chosen to put in appearance.

5. In view of the aforesaid facts and circumstances, as no one is there to prosecute the proceedings, the charges are not likely to be proved against the appellants. Therefore, in the facts and circumstances and that the First Information Report is dated 10.07.2004, there is no purpose in flogging a dead horse but to close the proceedings.
6. Accordingly, the appeals are allowed and the impugned order dated 16.11.2022 passed by the High Court is quashed and the entire proceedings arising with respect to the charge sheet of the Case No.1600/2006 arising out of Crime No.654/2004 (FIR No.125/2004) are also quashed.
7. Pending application(s), if any, shall stand disposed of.

.....J.
(PANKAJ MITHAL)

.....J.
(SANDEEP MEHTA)

NEW DELHI
18th DECEMBER, 2024

ITEM NO.21

COURT NO.16

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(S) FOR SPECIAL LEAVE TO APPEAL (CRL.) NO(S). 11927/2022

[Arising out of impugned final judgment and order dated 16-11-2022 in A482 No. 8197/2022 passed by the High Court of Judicature at Allahabad, Lucknow Bench]

POONAM MISHRA & ORS.

PETITIONER(S)

VERSUS

THE STATE OF UTTAR PRADESH & ANR.

RESPONDENT(S)

(IA No. 191329/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT IA No. 191328/2022 - EXEMPTION FROM FILING O.T.

IA No. 197494/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

WITH

SLP(Cr1) No. 12132/2022 (II)

(IA No. 194830/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT IA No. 194828/2022 - EXEMPTION FROM FILING O.T.)

Date : 18-12-2024 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE PANKAJ MITHAL
HON'BLE MR. JUSTICE SANDEEP MEHTA

For Petitioner(s) Mr. M.Shoeb Alam, Sr. Adv.
Ms. Fauzia Shakil, AOR
Mr. Rashid Murtaza, Adv.
Ms. Tasmiya Taleha, Adv.
Mr. Dev Sareen, Adv.

For Respondent(s) Mr. Shaurya Sahay, AOR
Ms. Ruchil Raj, Adv.

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

The appeals are allowed in terms of the signed order. Pending application(s), if any, shall stand disposed of.

(Ram Subhag Singh)
Court Master (NSH)

(Geeta Ahuja)
Assistant Registrar-cum-PS

(Signed Order is placed on the file)