



2024 INSC 991

NON-REPORTABLE**IN THE SUPREME COURT OF INDIA****CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPEAL NO. _____ OF 2024****@ SPECIAL LEAVE PETITION (CRL) NO. _____ OF 2024****@ DIARY NO.21764 OF 2022****DEEPTI SHARMA****...APPELLANT****Versus****STATE OF UTTAR PRADESH & ANR. ...RESPONDENTS****ORDER**

1. Delay in filing as well as in refiling stands condoned.
2. Leave granted.
3. In the present case, on the past few dates, the appellant has taken this Court to the long history of the case. The appellant was married to the respondent in the year 2006 and later she was successful in getting a decree of divorce on ground of cruelty in the year 2016.

However, the appellant before this Court has challenged the order dated 20.12.2019 passed by the Division Bench of the High

Court of Judicature of Allahabad, which was passed on a Petition under Section 482 CrPC filed by the appellant before the High Court. Usually a Section 482 CrPC petition, as per the rules of the High Court goes before a Single Judge, but in the present case it was decided by a Division Bench of the High Court and from the order it is so reflected that it was on the direction of the Apex Court. There is indeed an order of this Court dated 30.09.2019, which was passed in a Special Leave Petition filed by the present appellant in an earlier round of litigation. The order reads as under:

“1. We have heard the petitioner-in-person as well as the learned counsel for the respondent.

2. It is submitted that First Appeal No.275/2019 is pending in the High Court and the next date fixed for hearing is 15.10.2019.

3. It is also pointed out that Criminal Appeal No.482(A)- 29622/2019 is pending for hearing and the next date fixed for hearing in the High Court is 14.10.2019 and costs of Rs.10,000/- has been imposed upon the respondent on 23.09.2019 for dragging the case and not filing counter affidavit.

4. It is also pointed out that for violation of the interim maintenance order dated 22.07.2016 and not paying monthly amount of maintenance, Contempt Petition No.6653/2018 with connected CMP No.6662/2018 are pending in the High Court.

5. It is pointed out that criminal Case No.40/2016 under Section 406, 504, 506, 323 IPC is also pending against the opposite party before the Trial Court i.e. ACJM-12, Agra.

6. As the matters are pending before the High Court and the parties are litigating the matters, we consider it appropriate to request the Hon'ble Chief Justice of the High Court of Judicature at Allahabad to assign the cases mentioned at paragraph Nos.2 to 4 to one Bench. We also request that the matters may be decided as expeditiously as possible, preferably within six months. We direct the opposite party to make the payment of arrears of maintenance within two months. The High Court shall also ensure that arrears of maintenance, if any due, are paid by the opposite party to the petitioner, within a period of two months.

7. We also request the ACJM-12, Agra, to decide the matter mentioned at paragraph 5, as expeditiously as possible, preferably within one year, subject to the cooperation of the complainant.

8. With respect to the medical emergency, it is open to the petitioner to make an appropriate prayer before the High Court.

9. The special leave petition is, accordingly, disposed of.

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

4. Consequent to the above order of this Court, the Division Bench of the High Court presided by the then Chief Justice had passed the following order in a S. 482 (Cr.P.C) petition of the present appellant:

“This application under Section 482 of the Code of Criminal Procedure, 1973 is required to be adjudicated by a single Bench but looking to the directions issued by the Supreme Court to hear the matters of the petitioner together, this matter is also before us.

By the order impugned dated 27th May, 2019, learned Judge, Family Court/FTC-1, Agra rejected an application preferred by the petitioner as per provisions of Section 125 of Code of Criminal Procedure, 1973 for the want of prosecution.

The order aforesaid was passed looking to the absence of the petitioner on 4th May, 2019, 7th May, 2019 and 17th May, 2019.

On going through the contents of the application preferred under Section 482 of Code of Criminal Procedure, 1973 and also to meet the ends of justice, we deem it appropriate to set aside the order dated 27th May, 2019 and to restore Application No.878 of 2015, Deepti Sharma Vs. Amit Choudhary at its original number.

Accordingly, this application under Section 482 Code of Criminal Procedure, 1973 is allowed. The order dated 27th May, 2019 passed by Judge, Family Court/FTC-1, Agra is set aside. The Application No.878 of 2015, Deepti Sharma Vs. Amit Choudhary stands restored. The application is now required to be heard on merits by Additional Principal Judge, Family Court, Agra. The application is required to be adjudicated and decided within a period of three months from the date the parties appear before it. The parties to the proceedings are directed to appear before the Additional Principal Judge, Family Court, Agra on 6th January, 2020.”

5. In short, the High Court vide its order dated 20.12.2019 had set aside the order of the Family Court dated 27.05.2019 and restored the Section 125 CrPC petition of the appellant to its original number and directed the Family Court to decide the case in accordance with law. The High Court directed that the said petition is required to be decided on merits by the Additional Principal Judge, Family Court, Agra. This is the order which has been challenged by the appellant before this Court.
6. We see absolutely no reason as to why we should interfere with the aforesaid impugned order. The said order is in favour of the appellant and moreover it only directed the Family Court Agra to adjudicate the matter afresh which was earlier dismissed by the Family Court, Agra for non-prosecution. The appellant instead of appearing before the Family Court, Agra has directly challenged this order of the High Court before this Court, which we think is not proper.
7. As to the remaining cases of which there is a reference in the order dated 30.09.2019 of this Court, the contempt petitions were dismissed for non-prosecution on 24.08.2024 and the First Appeal has also been decided on 20.12.2019, with directions to

the Family Court to decide her application under Section 25 of the Hindu Marriage Act within 3 months.

8. The appellant, who has appeared in person, has filed a synopsis running into 128 pages, loaded with details much of which is not relevant for our purposes. We understand that the appellant is not a trained lawyer, but it is for the Registry to have asked the appellant to trim down the synopsis. A synopsis cannot run into 128 pages!
9. Let the Registrar (Judicial) take note of this, particularly the cases where litigants are allowed to appear in person.
10. As we see no reason to interfere with the impugned order dated 20.12.2019, the civil appeal stands dismissed.

.....J.
[SUDHANSHU DHULIA]

.....J.
[AHSANUDDIN AMANULLAH]

New Delhi.
December 17, 2024.