

**SUPREME COURT OF INDIA**

Mohinder Kumar

Vs.

State of Haryana

(S. R. Babu and S.N. Phukan JJ.)

03.03.2000

**ORDER**

1. Leave granted.

2. A Petition was filed before the High Court under Section 482 of the CrPC for quashing the complaint dated 3-2-1999 under Section 7 of the Essential Commodities Act read with Clause 19 of the Fertilizer Control Order.

3. On an earlier occasion in a similar matter the High Court doubting the correctness of the decision of the Division Bench, the matter had been referred to the Full Bench. On behalf of the appellant, it was brought to the notice of High Court that when the matter was still under consideration and it would be in the fitness of things to await the out-come of the decision in that matter by the Full Bench. However, without awaiting for the out-come of the decision in that matter by the Full Bench, the High Court proceeded to state that so long as ruling of the Division Bench holds the field, the learned single Judge proposed to follow the same decision and decide the matter. We do not think that was the right course adopted by the High Court. We, therefore, set aside the order passed by the High Court and remit the matter to the High Court for fresh consideration in accordance with law. It has also been brought to our notice that the Full bench decision has now been rendered. Appeal is allowed accordingly.