

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS.246-247 OF 2015

(Arising out of S.L.P. (C) Nos.6584-6585 of 2014)

Rajegowda

Appellant(s)

Versus

Divisional Controller, KSRTC & Others

Respondent(s)

O R D E R

Leave granted.

Mr. Shekhar G. Devasa, learned counsel for the appellant submitted that he does not intend to press for any compensation, though the appellant has suffered fractures. Such a submission has been advanced as an impression was created before the Court that at his instance two proceedings were initiated, one before the Commissioner under the Workmen's Compensation Act, 1923 and other before the Tribunal under the Motor Vehicles Act, 1988.

Learned counsel would confine his prayer for deletion of the direction given by the High Court in paragraph 5, which reads thus:

"While doing so, liberty is given to the appellants herein to initiate appropriate proceedings against respondent herein for the fraudulent act he has committed against his employer for unlawful enrichment and liberty is also given to them to launch prosecution under

the relevant provisions of the IPC for the fraudulent act committed by him so that this could be an eye opener for the other greedy employees.

Learned counsel for the respondent-Corporation fairly concedes that it does not intend to prosecute the appellant if he abandons the claim.

Regard being had to the facts and circumstances of the case, we are inclined to hold that the appellant, possibly in anxiety, had approached both the forums and as he is not intending to assert his claim, we think it appropriate that there should not be any criminal proceeding against him and, accordingly, the above quoted direction by the High Court is set aside.

The appeals are allowed to the extent indicated above. There shall be no cost as to orders.

.....J.  
(Dipak Misra)

.....J.  
(Prafulla C. Pant)

New Delhi;  
January 09, 2015.

ITEM NO.30

COURT NO.6

SECTION XV

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 (C) Nos.6584-6585/2014

(Arising out of impugned final judgment and order dated 19/03/2013 in MFA No. 3527/2010,07/11/2013 in RP No. 751/2013,07/11/2013 in MFA No. 3527/2010 passed by the High Court of Karnataka at Bangalore)

RAJEGOWDA

Petitioner(s)

VERSUS

DIV. CONTROLLER, KSRTC & ORS

Respondent(s)

(With interim relief and office report)

Date: 09/01/2015 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DIPAK MISRA

HON'BLE MR. JUSTICE PRAFULLA C. PANT

For Petitioner(s) Mr. Shekhar G. Devasa, Adv.  
Mrs. Sudha Gupta, AOR

For Respondent(s) Mr. Kashi Vishweshwar, Adv.  
Ms. Manju Jetley, AOR

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

Leave granted.

The appeals are allowed in terms of the signed order.

(Chetan Kumar)  
Court Master

(H.S. Parasher)  
Court Master

(Signed order is placed on the file)