

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 1421 OF 2013
(Arising out of S.L.P.(CRL.) No.555 of 2010)

|M/s Maruti Suzuki India Ltd. | Appellant(s) |

versus

|State of Uttarakhand & Anr. | Respondent(s) |

O R D E R

1. Leave granted.

2. This appeal by special leave is directed against the judgment and order passed by the High Court of Uttarakhand at Nainital in Criminal Miscellaneous Application No. 18 of 2000, dated 17.9.2009, whereby the petition filed by the appellant-herein challenging the order of issuance of summons passed by the learned Chief Judicial Magistrate, Dehradun in Criminal Case No. 1499 of 1996, dated 07.11.2006, as well as the order passed by the Revisional Court, dated 11.02.2000 are dismissed.

3. The short facts of the case are: A complaint has been lodged by the private respondent inter alia alleging that the appellant has committed an offence under Sections 406 and 420 of the Indian Penal Code, 1860 (for short 'the IPC'). After recording the evidence of the complainant and perusing the documentary evidence, summons were issued to the appellant by the learned Chief Judicial Magistrate, Dehradun, dated 07.11.2006.

4. Aggrieved by the aforesaid, the appellant had filed a Criminal Revision Petition before the learned Sessions Judge at Dehradun. The learned Sessions Judge has dismissed the petition by order dated 11.02.2000.

5. Aggrieved by the aforesaid orders passed by the learned Sessions Judge, the appellant had filed the Criminal Miscellaneous Application/Petition under Section 482 of the Code of Criminal Procedure, 1973 (for short 'the Code') before the High Court questioning the said orders and praying for quashing of the entire proceedings in the criminal case. The High Court upon consideration has confirmed both the orders and dismissed the application. Aggrieved by the orders so passed by the High Court the appellant is before us in this appeal.

6. We have perused the documents on record including the impugned orders of the Courts below and heard the learned counsel for the parties to the lis.

7. In the complaint so made, the private respondent has stated that the appellant should have paid a sum of Rs.15,000/- by way of an excise duty rebate which was promised at the time of purchase of the vehicles. Since the appellant has failed to pay the said amount, he has alleged that the appellant has committed an act which would fall within the parameters of Sections 406 and 420 of the IPC.

8. In our considered opinion, keeping in view the peculiar facts and circumstances of the case, if we direct the appellant to pay a lump-sum of Rs.30,000/- to the private respondent, it would bring a quietus to the litigation between the parties. Accordingly, without going into other details of the case, we now direct the appellant to deposit a sum of Rs.30,000/- within two weeks' time from today before the learned Chief Judicial Magistrate, Dehradun in Criminal Case No. 1499 of 1996. We grant liberty to the respondent to withdraw the same without furnishing any surety or bank guarantee.

9. In view of the aforesaid order passed by us, in our opinion no purpose would be served to keep the proceedings pending before the learned Chief Judicial Magistrate. Accordingly, in exercise of our powers under Section 142 of the Constitution of India, we quash the aforesaid proceedings pending before the learned Chief Judicial Magistrate, Dehradun.

10. The appeal is disposed of in the aforesaid terms.

11. We clarify that this order shall not be treated as a precedent in any other case.

.....J.
[H.L. DATTU]

.....J.
[SUDHANSU JYOTI MUKHOPADHAYA]

ITEM NO. 202

COURT NO.4

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).555/2010

(From the judgement and order dated 17/09/2009 in CRLMA No.18/2000, of
The HIGH COURT OF UTTARAKHAND AT NAINITAL)

M/S. MARUTI SUZUKI INDIA LTD.

Petitioner(s)

VERSUS

STATE OF UTTARAKHAND & ANR.

Respondent(s)

(With appln(s) for exemption from filing O.T.,ad-interim ex-parte stay
and office report)
(For Final Disposal)

Date: 10/09/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE H.L. DATTU
HON'BLE MR. JUSTICE SUDHANSU JYOTI MUKHOPADHAYA

For Petitioner(s) Mr. Raju Ramachandran, Sr. Adv.
Mr. Pramod Dayal, Adv.
Mr. Nikunj Dayal, Adv.
Ms. Payal Dayal, Adv.

For Respondent(s) Mr. Rahul Verma, Adv.
Mr. Jatinder Kumar Bhatia, Adv.

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

Leave granted.

The appeal is disposed of in terms of the signed order. This order shall not be treated as precedent in any other case.

	[Charanjeet Kaur]		[Vinod Kulvi]	
Court Master		Asstt. Registrar		

[Signed order is placed on the file]