

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 1426 OF 2003

M/S. ROONWAL FINANCE LTD.

.....APPELLANT(S)

VERSUS

RAMESH CHAND

.....RESPONDENT(S)

O R D E R

1. Heard Mr. K.K. Mani, learned counsel appearing for the appellant, and examined the order passed by the High Court.

2. The High Court has rightly pointed out that the allegations made in the complaint filed by the appellant, that might have constituted the ingredients of cheating and criminal breach of trust, were not stated by the complainant in his statement under solemn affirmation. Likewise, certain allegations made in the statement under solemn affirmation did not form part of the complaint. The High Court further found that the complainant had advanced loan to the respondent accused on the basis of a pure and simple hire-purchase agreement. The non-repayment of the loan amount might be a breach of the agreement by the respondent but it did not constitute any offence and the prosecution launched under Sections 420 and 406 of the Penal Code would amount to an abuse of the process of the Court.

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3. The High Court was justified in quashing the order passed by the Magistrate taking cognizance of the offences and issuing summons against the respondent.

4. We find no merit in this appeal. It is dismissed.

.....J
(AFTAB ALAM)

.....J
(R.M. LODHA)

NEW DELHI,
NOVEMBER 10, 2010
ITEM NO.106

COURT NO.11

SECTION IIA

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS
CRIMINAL APPEAL NO(s). 1426 OF 2003

M/S. ROONWAL FINANCE LTD.

Appellant (s)

VERSUS

RAMESH CHAND

Respondent(s)

(With office report)

Date: 10/11/2010 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE AFTAB ALAM

HON'BLE MR. JUSTICE R.M. LODHA

For Appellant(s)

Mr. K.K. Mani, Adv.

Mr. Abhishek Krishna, Adv.

For Respondent(s)

Mr. Badridas Sharma, Adv.

Mr. Narottam Vyas, Adv.

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

The Criminal Appeal is dismissed.

(N.S.K. Kamesh)
Court Master

(Renu Diwan)
Court Master

(signed order is placed on the file)