

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. 1334/1999

(From the judgement and order dated 17/12/1998 in MCRC 1138/98
of The HIGH COURT OF M.P AT GWALIOR)

M/S.A.P. FOAM PVT.LTD.

Petitioner (s)

VERSUS

Subhash Chandra & Ors.

Respondent (s)

(With prayer for interim relief)
(With Appln(s). for stay and office report)
(For Final Disposal)

Date :1.12.2000: This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S. RAJENDRA BABU
HON'BLE MR. JUSTICE B.N. AGRAWAL

For Petitioner (s) Mr. R.K. Jain, Sr. Adv.
Ms. Abha R. Sharma, Adv.
Mr. Manoj Goel, Adv.
Mr. Avinash Kumar, Adv.

For Respondent (s) Ms. Kamakshi S. Mehlwal, Adv.
State of M.P. Mr. Uma Nath Singh, Adv.
Mr. S.S. Khanduja, Adv.

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

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.SP2

Leave granted.
Appeal is allowed in terms of the signed order.

.SP1

(Meenu Sethi)
Court Master

(Meena Trikha)
Court Master

Signed order is placed on the file

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CRIMINAL APPEAL NO.1072 OF 2000@@
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(Arising out of Special leave petition(Cr)No.1334 of 1999)

M/s A.P. Foam Pvt. Ltd. .. Appellant

Vs.

Subhash Chandra & Ors. .. Respondents

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Leave granted.

A petition is filed under Section 482 of the Code of Criminal Procedure for quashing the complaint against the respondents for offence under Section 419,420,465,468,471,472,474 and 477-A read with Section 120-B of Indian Penal Code. The complainant alleged that a forged balance-sheet was shown to him which prompted him to buy a particular factory and borrowed the money from M.P. Financial Corporation. There is an allegation that there has been forgery of certain documents and a civil suit is also filed in respect of the property belonging to the M/s A.P. Financial Corporation and another suit is also pending between M/s A.P. Foam Pvt. Ltd., and the respondents. One Neelesh Tiwari is stated to be purchaser of certain shares of M/s A.P. Foam Pvt. Ltd.. The High Court has not set out the full facts of the case in its order which led to the complaint and in what circumstances the complaint was filed much less it has discussed the manner in which the parameters indicated by this Court in State of Haryana & Ors. Vs Bhajan Lal & Ors. - 1992 Supl(1) SCC 335 to quash the proceedings before it. In that view of the matter, we set aside the order made by the High

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Court and remit the same to the High Court for fresh consideration in accordance with law. It has been brought to our notice that another connected matter is pending before the High Court and we direct that both the matters should be taken up together. The appeal is allowed accordingly.

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(S. RAJENDRA BABU)@@
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(B.N. AGRAWAL) @@
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New Delhi,@@
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December 1, 2000.@@
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