

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO(s).1687 OF 2013

(Arising out of SLP (Crl.) No.8567 of 2013

arising out of SLP (Crl.)....Crl.M.P. No.17710 of 2013)

S.S.SHEIKH @ RANI CHATTERJEE @ S.SHEIKH

Appellant(s)

VERSUS

STATE OF BIHAR & ORS.

Respondent(s)

With T.P.(Crl.) No.97 of 2012

O R D E R

Leave granted.

This appeal arises out of an order dated 21st February, 2013 passed by the High Court of judicature at Patna whereby Crl.Misc.No.28770 of 2011 filed by the appellant herein under Section 482 of the Code of Criminal Procedure for quashing Complaint Case No.9 of 2010 for offences punishable under Sections 420, 406 and 120-B of the Indian Penal Code has been dismissed.

T.P.(Crl.) No.97 of 2012, filed by the appellant, seeks transfer of the said Complaint Case from the Court of Chief Judicial Magistrate, Motihari, East Champaran, Bihar to the Court of competent jurisdiction in District Thane, Mumbai, Maharashtra.

When the transfer petition, afore-mentioned, came up for orders before us on 10th December, 2012, learned counsel for the parties submitted that the parties were not averse to exploring the possibility of an amicable settlement with the help of the Mediation Centre in the Supreme Court. We accordingly directed the parties to appear before the Mediation Centre for making an attempt at settling the matter amicably. A report has now been received from the Mediation Centre according to which the parties have agreed to settle the matter amicably. According to the settlement, the appellant-petitioner who happens to be an actress in Bhojpuri movies has agreed to pay Rs.3,50,00/- to respondent no.2-complainant in full and final settlement of his claim. A sum of Rs.1,50,000/- was pursuant to the settlement paid to the respondent-complainant by the appellant-petitioner leaving a balance of Rs.2,00,000/- to be paid.

Learned counsel for the parties today submit that the appellant-petitioner has handed over a bank draft for a sum of Rs.2,00,000/- drawn in favour of respondent no.2-complainant in full and final settlement of the claim which the said respondent has made against the appellant-petitioner. It is submitted by them that in the light of the settlement and complete discharge of the liability arising under the same, this Court could with consent of the parties quash the proceedings pending before the Chief Judicial Magistrate, Motihari, East Champaran, Bihar, to give a quietus to the entire controversy. We see no reason to decline that prayer especially when the parties have settled the outstanding dispute and prayed for putting an end to the pending litigation.

We accordingly allow this appeal, set aside the order passed by the High Court and with the consent of the parties quash Complaint Case No.9 of 2010 filed for offences punishable under Sections 420, 406 and 120B of the I.P.C. pending before the Court of Chief Judicial Magistrate, Motihari, East Champaran, Bihar.

Resultantly T.P.(Crl.) No.97 of 2012 filed by the appellant seeking transfer of the case is rendered infructuous and is disposed of accordingly.

.....J.
(T.S. THAKUR)

.....J.
(VIKRAMAJIT SEN)

NEW DELHI
DATED 8th October, 2013.
ITEM NO.28

COURT NO.7 SECTION XVIA

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

TRANSFER PETITION (CRL.) NO(s). 97 OF 2012

S.S.SHEIKH @ RANI CHATTERJEE @ S.SHEIKH Petitioner(s)

VERSUS

STATE OF BIHAR & ORS. Respondent(s)

(With appln(s) for stay and office report)

WITH SLP(Crl.)...CRLMP NO.17710 of 2013
(With office report)
(Along with mediation report)

Date: 08/10/2013 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE T.S. THAKUR
HON'BLE MR. JUSTICE VIKRAMAJIT SEN

For Petitioner(s) Mr. Atulesh Kumar,Adv.
Mr. Sudhakar Dwivedi,Adv.

For Respondent(s) Mr. Anirudh Sharma,Adv.
Mr. Shishir Pinaki,Adv.

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

Heard.

Delay condoned.

Leave granted in the special leave petition.

The appeal is allowed and transfer petition is rendered infructuous and disposed of in terms of the signed order:

"We accordingly allow this appeal, set aside the order passed by the High Court and with the consent of the parties quash Complaint Case No.9 of 2010 filed for offences punishable under Sections 420, 406 and 120B of the I.P.C. pending before the Court of Chief Judicial Magistrate, Motihari, East Champaran, Bihar.

Resultantly T.P.(Crl.) No.97 of 2012 filed by the appellant seeking transfer of the case is rendered infructuous and is disposed of accordingly."

|(Mahabir Singh)
| Court Master

|(Veena Khara)
| Court Master

(Signed order is placed on the file)