

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.259 OF 2008
(@ SLP (CRL.) NO.3070/2004)

M/S. INDIAN MAIZE & CHEMICALS LTD. & ANR . Appellant(s)

VERSUS

D.C.M. FINANCIAL SERVICES LTD. Respondent(s)

ORDER

1. Leave granted.
2. Heard both sides.
3. It is contended by the appellant's counsel that the appellants have filed a petition under Section 482 of the Criminal Procedure Code before the High Court to quash the complaint filed by the respondent. It is further submitted that the High Court did not consider the petition as one under Section 482 Criminal Procedure Code but proceeded to dispose it of as if it is an application to cancel the warrants issued to the petitioners/appellants, by a non-speaking order. The order shows that
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the High Court has considered only the question of issuance of warrants against the appellants and has not considered the main prayer of the appellants to quash the criminal proceedings pending before it.
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4. In view of this fact, the impugned order passed by the High Court is set aside and the petition under Section 482 Criminal Procedure Code be restored to the file of

the High Court. The High Court is requested to consider the petition filed under 482

Criminal Procedure Code, by the appellants and dispose of the matter in

accordance with law.

5. The appeal is disposed of accordingly.

.....CJI.
(K.G. BALAKRISHNAN)

.....J.
(C.K. THAKKER)

.....J.
(R.V. RAVEENDRAN)

NEW DELHI ;
4TH FEBRUARY, 2008.

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ITEM NO.33

COURT NO.1

SECTION II

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl) No(s).3070/2004

(From the judgement and order dated 19/12/2003 in CRLM No. 5175/2003 of The HIGH
COURT OF DELHI AT N. DELHI)

M/S. INDIAN MAIZE & CHEMICALS LTD. & ANR

Petitioner(s)

VERSUS

D.C.M. FINANCIAL SERVICES LTD.

Respondent(s)

(With appln(s) for exemption from filing c/c of the impugned Judgment,stay and office report)

Date: 04/02/2008 This Petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE C.K.THAKKER
HON'BLE MR. JUSTICE R.V. RAVEENDRAN

For Petitioner(s) Mr.Ranjit Kumar, Sr.Adv.
Mr. Praveen Kumar,Adv.

For Respondent(s) Mr.Suresh Kumari, Adv.
Mr.Dinesh Malik, Adv.
Mr. Rajesh Srivastava,Adv.

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UPON hearing counsel the Court made the following
ORDER

Leave granted.

Heard both sides.

The appeal is disposed of, in terms of the signed order.

(G.V.Ramana)
Court Master
(signed order is placed on the file)

(Veera Verma)
Court Master