

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO(S) . 2123 OF 2010

SURENDER KUMAR TALWAR . . . APPELLANT(S)

VERSUS

STATE OF MAHARASHTRA & ANR. . .RESPONDENT(S)

O R D E R

Heard learned counsel for the appellant and learned counsel appearing for the State. Learned counsel for respondent No. 2 remained absent.

Learned counsel for the appellant placed strong reliance upon the judgment of the High Court of Judicature at Bombay passed in Criminal Writ Petition No. 2691 of 2009, filed by the co-accused in relation to the proceedings initiated under Section 138 read with Section 141 of the Negotiable Instruments Act, hereinafter referred to as 'the Act', questioning the correctness of the same for quashing the same under Section 482 of the Code of Criminal Procedure, for short 'Cr.P.C.'. He has also placed reliance upon the averments made in the

complaint at Paras 4 and 5 wherein, according to him, there is no specific role assigned against accused no. 8-the appellant herein, which is sine qua non to take cognizance and proceed with the case and in consonance with the law laid down by this Court in the case of National Small Industries Corporation Limited v. Harmeet Singh Paintal & Anr., (2010) 3 SCC 330.

Having regard to the facts and circumstances of the case, the material available on record and the rival legal submissions urged on behalf of the appellant, we are of the considered opinion that the principles of law as laid down by this Court in the case of Harmeet Singh Paintal (supra) is not complied with by the complainant and, therefore, on this ground alone, we allow the instant appeal, set aside the impugned judgment and order of the High Court and quash the proceedings against the appellant.

.....J.  
(V. GOPALA GOWDA)

.....J.  
(C. NAGAPPAN)

NEW DELHI,  
MARCH 26, 2015

ITEM NO.104

COURT NO.9

SECTION IIA

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Criminal Appeal No(s). 2123/2010

SURENDER KUMAR TALWAR

Appellant(s)

VERSUS

STATE OF MAHARASHTRA &amp; ANR.

Respondent(s)

(with appln. (s) for stay)

Date : 26/03/2015 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE V. GOPALA GOWDA

HON'BLE MR. JUSTICE C. NAGAPPAN

For Appellant(s)

Ms. Kumud Lata Das, Adv.

Mr. Sukesh Ghosh, Adv.

Mr. Arvind K. Tiwari, Adv.

For Respondent(s)

Ms. Asha Gopalan Nair, Adv.

Mr. Aniruddha P. Mayee, Adv.

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

The appeal is allowed in terms of the signed order.

(VINOD KR. JHA)  
COURT MASTER(MALA KUMARI SHARMA)  
COURT MASTER

(Signed order is placed on the file)