

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(s).3918/2012

(From the judgement and order dated 05/12/2011 in CRM No.31994/2008, of
The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

KEWAL KRISHAN

Petitioner(s)

VERSUS

STATE OF PUNJAB & ANR

Respondent(s)

(With appln. for ad-interim ex-parte stay and office report)

Date: 30/09/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE H.L. GOKHALE

HON'BLE MR. JUSTICE J. CHELAMESWAR

For Petitioner(s) Mr Vinay Kumar Garg, Adv.
Mr. Neeraj Kr. Sharma, Adv.
Mr. Fazal Ahmad, Adv.

For Respondent(s) Mr. Kuldip Singh, Adv.
Mr, Mohit Mudgil, Adv.

Mrs. Jayshree Wad. Adv.
Mr. Ashish Wad, Adv.
Ms. Tamali Wad, Adv.
Ms. Kanika Baweja, Adv.
Ms. Niharika Bapna, Adv. for
M/S. J.S. Wad & Co.

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

Leave granted.

The appeal is allowed in terms of the signed order.

[Usha Bhardwaj]
A.R-cum-P.S.

[Sneh Lata Sharma]
Court Master

Signed order is placed on the file.

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.1617 OF 2013
(Arising out of SLP (Crl) No.3918 of 2012)

Kewal Krishan . . . Appellant(s)

Versus

State of Punjab & Anr. . . Respondent(s)

O R D E R

Leave granted. Heard learned counsel for the appellant as well as for the respondents.

(2) An F.I.R. No.140 dated 27.08.96 was lodged against the appellant under Section 406 read with Section 34 I.P.C. for criminal breach of trust and misappropriation of some paddy bags of an amount of Rs.51 lakhs. Being aggrieved by the registration of the F.I.R., the appellant filed a Petition under Section 482 of Cr.P.C. vide Civil Misc. No.M-31994/08 to the High Court of Punjab and Haryana for quashing the same. What is relevant to note in this regard is that prior to the lodging of the F.I.R. the appellant had made payment of Rs.31,23,838/-, and which was acknowledged in the letter of respondent dated 16.09.96. In view thereof, it was the submission of the appellant that there was no reason to maintain that F.I.R. because essentially it was a matter concerning the alleged non-recovery of the amount but

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the High Court declined to accept the submission and, therefore, the petition under Section 482 of Cr.P.C. was dismissed.

(3) We have noted the submissions of both the parties. Having noted that the dispute was essentially for the recovery of amount of Rs.51 lakhs, and since substantial amount had been paid we do not see any reason why the criminal proceedings be retained on the file of the concerned court. We, therefore, allow the appeal and set aside the order passed by the High Court. Consequently, the complaint filed against the appellant shall stand quashed. We, however, make it clear that it will be open to the respondents to resort to other civil remedies for recovery of unpaid amounts, if any, in accordance with law.

.....J.
[H.L. GOKHALE]

.....J.
[J. CHELAMESWAR]

NEW DELHI ,
SEPTEMBER 30, 2013.