

ITEM NO.30

COURT NO.4

SECTION II

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

Petition(s) for Special Leave to Appeal (Crl.) No(s). 4028/2013

(Arising out of impugned final judgment and order dated 04/03/2013
in CRLRP No. 394/2010 passed by the High Court of Gauhati)

SWAROOP MAHADEO RAO MAHADIK & ORS.

Petitioner(s)

VERSUS

KAMAL KUMAR JAIN & ANR.

Respondent(s)

(with appln. (s) for stay)

Date : 16/01/2015 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SUDHANSU JYOTI MUKHOPADHAYA
HON'BLE MR. JUSTICE N.V. RAMANA

For Petitioner(s) Mr. Manish Goswami, Adv.
Mr. Rameshwar Prasad Goyal, Adv.

For Respondent(s) Mr. Naveen Pandey, Adv.
Mr. Raj Kumar Kaushik, Adv.
Mr. Varinder Kumar Sharma, Adv.

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

Leave granted.

The Criminal Miscellaneous Petition and Criminal Appeal
both stand disposed of in terms of the Signed Order.

(Rajni Mukhi)
Sr. P.A.

(Suman Jain)
Court Master

(Signed Order is placed on the file)

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

Criminal Miscellaneous Petition No.631 OF 2015

in

Criminal Appeal No.119 OF 2015
(Arising out of SLP (CrI.) No.4028 of 2013)

SWAROOP MAHADEO RAO MAHADIK & ORS.

APPELLANTS

VERSUS

KAMAL KUMAR JAIN & ANR.

RESPONDENTS

O R D E R

Leave granted.

This appeal has been filed by the appellants against the order dated 4th March, 2013 passed by the Gauhati High Court at Guwahati in Criminal Petition No.394 of 2010 whereby the High Court refused to quash the criminal proceedings in Complaint Case No.2625C of 2010 pending in the Court of Addl. Chief Judicial Magistrate Kamrup, Guwahati.

The said complaint case was filed by the respondents herein. The appellants made prayer for quashing the said criminal proceedings on the ground that the same dispute is raised in a civil suit being Money Suit No.159/2010 filed by the respondent against the appellants in the Court of Civil Judge No.1, Kamrup, Guwahati thereby the dispute between the parties are pending.

On notice, the respondents/complainants appeared. Learned counsel for the respondent submitted that the parties have reached a compromise and in terms of such compromise the Civil Suit has

been disposed of. The copies of orders dated 8.9.2014 and 12.11.2014 passed by the Court of Civil Judge, Kamrup (M), Guwahati in Money Suit No.159/2010 have been produced.

The learned counsel for the respondents further submits that the respondents have no objection if the criminal proceedings pursuant to Complaint Case No.2625C of 2010 filed by respondents are quashed.

Having heard the learned counsel for the parties, we set aside the impugned order dated 4th March, 2013 passed by the High Court of Gauhati at Guwahati in Criminal Petition No.394 of 2014 filed and quash the criminal proceedings arising out of Complaint Case No.2625c of 2010 pending in the Court of Additional Chief Judicial Magistrate, Kamrup, Gauhati, Assam.

The Criminal Miscellaneous Petition and Criminal Appeal both stand disposed of.

.....J.
[SUDHANSU JYOTI MUKHOPADHAYA]

.....J.
[N.V. RAMANA]

NEW DELHI;
JANUARY 16, 2015