

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.816 OF 2010

AJIT B KERKAR

APPELLANT(S)

VERSUS

TRADE WINGS HOTELS LTD. & ORS.

RESPONDENT(S)

WITH

CRIMINAL APPEAL NO.817 OF 2010

O R D E R

These two criminal appeals have been filed against the common judgment of the High Court dated 25.02.2008 in Writ Petition Nos.2162/2007 and 2182/2007. Both the writ petitions, filed by the appellant, were summarily dismissed. The writ petitions were filed by the appellant challenging the order passed by the Trial Court taking cognizance of the offences under Sections 138 and 141 of the Negotiable Instruments Act.

Learned counsel appearing for the complainant submitted that the complainant does not want to prosecute the complaint any further and he may be permitted to withdraw the criminal complaint.

In view of the above, we are of the view that when the complaint itself is being withdrawn, nothing survives in the criminal appeals to be decided. We permit the complainant to withdraw the Criminal Complaint No.3105/SS/2006, filed before the Trial Court, under

Sections 138 and 141 of the Negotiable Instruments Act.

The appeals are disposed of accordingly.

.....J.  
[ASHOK BHUSHAN]

.....J.  
[NAVIN SINHA]

NEW DELHI;  
FEBRUARY 25, 2020.

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

Criminal Appeal No(s).816/2010

AJIT B KERKAR

Appellant(s)

VERSUS

TRADE WINGS HOTELS LTD. &amp; ORS.

Respondent(s)

WITH

Crl.A. No.817/2010 (II-A)

SLP(C) No.32116/2015 (IX)

(IA No.73920/2017-STAY APPLICATION)

Date : 25-02-2020 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ASHOK BHUSHAN

HON'BLE MR. JUSTICE NAVIN SINHA

For Appellant(s)

Mr. Sajjan Poovayya, Sr. Adv.

Mr. Amar Dave, Adv.

Mr. Mahesh Agarwal, Adv.

Mr. Ankur Saigal, Adv.

Mr. Nishant Talwar, Adv.

Mr. Rohan Talwar, Adv.

Mr. E. C. Agrawala, AOR

For Respondent(s)

Mr. Haresh Jagtiani, Sr. Adv.

Mr. Chander Uday Singh, Sr. Adv.

Mr. Anil D'souza, Adv.

Mr. Suprabh Jain, Adv.

Mr. Bhargava V. Desai, AOR

Mrs. P.A. Chotrani, Adv.

Mr. Rishi Gautam, Adv.

Ms. Aditi Diwan, Adv.

UPON hearing the counsel the Court made the following  
O R D E RCrl.A. No.816/2010 & Crl.A. No.817/2010

The appeals are disposed of in terms of the signed order.

Pending application(s), if any, stands disposed of.

**SLP(C) No.32116/2015**

Learned counsel for the parties sought for adjournment to make an effort as to whether dispute between the parties can be settled outside the Court. Time is granted.

List on 31.03.2020. Matter may retain its position.

(ARJUN BISHT)  
COURT MASTER (SH)

(RENU KAPOOR)  
BRANCH OFFICER

(signed order is placed on the file)