

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO(S). 229 OF 2019
(Arising out of Special Leave Petition (CrI.)No.4647/2013)

M/S.ARYAN MINING AND TRADING CORPORATION
PVT. LTD. & ANR.

Appellant(s)

VERSUS

THE STATE OF CHHATTISGARH & ORS.

Respondent(s)

O R D E R

Leave granted.

Respondent No.2 filed a complaint which was registered as FIR No.106/2011 under Section 284,420,34 and 109 of IPC. It was alleged that there was an agreement to purchase iron ore pursuant to which respondent No.2 deposited an amount of Rs.1,82,48,800/- .

Respondent No.2 was informed on 18.1.2011 that the agreement was cancelled in view of the amount not being deposited by respondent No.2.

A petition was filed under Section 482 Cr.P.C for quashing of FIR. The High Court refused to quash the FIR on the ground that the investigation is in progress. The High Court was also of the opinion that

a prima facie case was not made out by the respondents.

Having examined the matter in detail and hearing the learned counsel for the parties, we are of the opinion that the dispute essentially is of civil nature and a perusal of the FIR makes it clear that the offences alleged against the appellants are not made out. The High Court ought to have examined the allegations made in the FIR to adjudicate the matter. Instead, the High Court refused to quash the FIR on the ground that the investigation is in progress.

In the facts and circumstances of the case, we set aside the judgment of the High Court and quash FIR No. 106/2011.

There is no dispute regarding the refund of the amount deposited by respondent No.2. The complaint of respondent No.2 is that the appellants retained the amount for a period of six months.

Mr. Puneet Jain, learned counsel appearing on behalf of the appellants fairly submits that the appellants are willing to pay reasonable interest on the amount retained by them. We direct the appellants to pay interest at the rate of 12% for the amount deposited by respondent No.2 from the date of payment till the date of refund.

The appeal is accordingly, disposed of.
Pending application(s), if any, stand disposed of.

.....J
(L. NAGESWARA RAO)

.....J
(SANJIV KHANNA)

NEW DELHI;
6th FEBRUARY, 2019.

ITEM NO.5

COURT NO.13

SECTION II-C

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 (Cr1.) No(s).4647/2013

(Arising out of impugned final judgment and order dated 18-04-2013 in CRLMP No.315/2011 passed by the High Court Of Chhatisgarh At Bilaspur)

M/S. ARYAN MINING AND TRADING CORPORATION
PVT. LTD. & ANR.

Petitioner(s)

VERSUS

THE STATE OF CHHATTISGARH & ORS.

Respondent(s)

Date : 06-02-2019 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE L. NAGESWARA RAO
HON'BLE MR. JUSTICE SANJIV KHANNA

For Petitioner(s) Mr. Puneet Jain, Adv.
Ms. Christi Jain, Adv.
Mr. Abhinav Gupta, Adv.
Mr. Harsh Jain, Adv.
Mr. Abhinav Deshwal, Adv.
Mr. Ankita Gupta, Adv.
Ms. Pratibha Jain, AOR

For Respondent(s) Mr. Ratan K. Singh, Adv.
Mr. Nikhilesh Krishnan, Adv.
Mr. P. S. Sudheer, AOR
Mr. Aman Prasad, Adv.

Mr. Atul Jha, Adv.
Mr. Sandeep Jha, Adv.
Mr. Dharmendra Kumar Sinha, AOR

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

Leave granted.

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

(B.Parvathi)
Court Master

(Santosh Kumar)
Branch Officer

(Signed order is placed on the file)