

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 1007 OF 2014
(Arising out of S.L.P.(Crl.) No. 4401 of 2011)

BIJAY AGARWAL ... APPELLANT(S)

VERSUS

STATE OF WEST BENGAL & ANR. ...RESPONDENT(S)

O R D E R

Petitioner prays for quashing of his prosecution for offence under Section 406 of the Indian Penal Code. Such a prayer has been rejected by the impugned order passed by the High Court.

Leave granted.

Learned counsel appearing on behalf of the appellant states that a sum of Rs. 80,000/- shall be paid to respondent No. 2, the complainant, within six weeks from today.

Learned counsel submits that the allegation made is nothing but a breach of contract and, therefore, no criminal liability can be fastened on him.

In view of the fact that the appellant has offered to pay the amount within six weeks to

2

the complainant, we are of the opinion that no useful purpose shall be served by allowing the prosecution to continue.

In the result, we allow this appeal, set aside the order of the High Court and quash the criminal prosecution of the appellant.

It is made clear that in case the amount, as undertaken, is not paid to respondent No. 2 within the time stipulated, this appeal shall be

