

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.1064 OF 2010

Sidram

Appellant (s)

Versus

Uttara Food and Feeds Pvt. Ltd.
and Another

Respondent(s)

O R D E R

Heard Mr. Shekhar G. Devasa, learned counsel for the appellant and Ms. Anagha S. Desai, learned counsel for the respondent.

Having heard learned counsel for the parties, we are of the considered opinion that the view taken by the High Court in exercise of the power under Section 482 Cr.P.C. for quashing the proceeding initiated in Complaint Case No.532 of 2008, in the file of IInd Judicial Magistrate First Class, Bijapur, at the instance of the appellant for the offences punishable under Section 406, 420 read with Section 34 I.P.C., is correct on the facts, for on a scanning of the complaint, there can be no iota of doubt that the offences are not made out. Therefore, we are not inclined to interfere with the order passed by the High Court.

Be it clarified, our non-interference in the order of quashment by the High Court would not debar the appellant to take recourse to law for recovery of the amount, as claimed by him.

The appeal is, accordingly, dismissed.

.....J.
[Dipak Misra]

.....J.
[Adarsh Kumar Goel]

New Delhi
February 18, 2015.

ITEM NO.1

COURT NO.5

SECTION IIB

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

Criminal Appeal No.1064 of 2010

SIDRAM

Appellant(s)

VERSUS

UTTARA FOODS & FEEDS P.LTD.& ANR.

Respondent(s)

Date : 18/02/2015 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DIPAK MISRA
HON'BLE MR. JUSTICE ADARSH KUMAR GOEL

For Appellant(s) Mr. Shekhar G. Devasa, Adv.
Mr. Abid Ali Beeran P., Adv.
Mr. V. N. Raghupathy, AOR

For Respondent(s) Mr. Satyajit A. Desai, Adv.
Ms. Anagha S. Desai, AOR
Mr. Akash, Adv.

Ms. Anitha Shenoy, AOR

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

The appeal is dismissed in terms of the signed
order.

(Chetan Kumar)
Court Master

(H.S. Parasher)
Court Master

(Signed order is placed on the file)