

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPEAL NO. 103 of 2005

CHEPURI ASHOK & ANR.

..... APPELLANTS

VERSUS

PRAYAKA RAO VENUKUMAR & ANR.

..... RESPONDENTS

O R D E R

1. We have heard the learned counsel for the parties.
2. The appellants before us are partners Nos. 7 and 8 Ashok and Krishna Kumari, as per the partnership deed dated 8th January, 2001. From Clauses 8 and 9 of the partnership deed, it is apparent that the partners other than the appellants were in fact conducting the day to day business of the partnership and that the appellants were infact sleeping partners. In the First Information Report as also the Protest Petition filed by the complainants there is no allegation whatsoever that the appellants had in any manner misconducted themselves and the only broad allegation was that the Statement of Accounts that the complainant was entitled to receive was not being shown to him.
3. In the course of arguments, before us, the learned

counsel for the complainant has argued that the appellants were in fact running the business although the partnership deed did not indicate so. We have gone through the statement made by the complainant in the Protest Petition and find there is no such allegation against the appellants even in that statement. The only allegation which is made against the appellants and admitted by them is that they were partners in the firm. On this score, there is no dispute between the parties. An over all reading of the complainant, the First Information Report, the Protest Petition and the documents on record, indicate that the appellants had no role to play in any kind of criminal misconduct.

4. We, therefore, allow this appeal, set aside the order of the High Court and direct that no further proceedings shall go on against the appellants. We, however, clarify that notwithstanding this order, it would be open to the complainant to take all steps on the civil side for vindicating his claim.

.....J
[HARJIT SINGH BEDI]

.....J

[CHANDRAMAULI KR. PRASAD]

NEW DELHI
MARCH 16, 2011.

