

CASE NO.:
Appeal (crl.) 259 of 2008

PETITIONER:
M/S. INDIAN MAIZE & CHEMICALS LTD. & ANR

RESPONDENT:
D.C.M. FINANCIAL SERVICES LTD

DATE OF JUDGMENT: 04/02/2008

BENCH:
CJI K.G. BALAKRISHNAN & C.K. THAKKER & R.V. RAVEENDRAN

JUDGMENT:
JUDGMENT
O R D E R

CRIMINAL APPEAL NO.259 OF 2008
(@ SLP (CRL.) NO.3070/2004)

1. Leave granted.
2. Heard both sides.
3. It is contended by the appellant's counsel that the appellants have filed a petition

under Section 482 of the Criminal Procedure Code before the High Court to quash the complaint filed by the respondent. It is further submitted that the High Court did not consider the petition as one under Section 482 Criminal Procedure Code but proceeded to dispose it of as if it is an application to cancel the warrants issued to the petitioners/appellants, by a non-speaking order. The order shows that the High Court has considered only the question of issuance of warrants against the appellants and has not considered the main prayer of the appellants to quash the criminal proceedings pending before it.

4. In view of this fact, the impugned order passed by the High Court is set aside and the petition under Section 482 Criminal Procedure Code be restored to the file of the High Court.

The High Court is requested to consider the petition filed under 482 Criminal Procedure Code, by the appellants and dispose of the matter in accordance with law.

5. The appeal is disposed of accordingly.