

CASE NO.:
Appeal (crl.) 349 of 2008

PETITIONER:
Pradeep Singh

RESPONDENT:
Gopal Chandra Agarwal & Ors

DATE OF JUDGMENT: 15/02/2008

BENCH:
K. G. Balakrishnan & C. K. Thakker & R. V. Raveendran

JUDGMENT:
JUDGMENT

O R D E R
CRIMINAL APPEAL NO. 349 OF 2008
(Arising out of SLP (Criminal) No.2458 of 2005)

Leave granted. Heard learned counsel for both sides.

2. By the impugned order dated 10.12.2004, the High Court has quashed the entire criminal proceedings initiated by the Appellant against the respondents 1 to 3 for offences under sections 379, 406, 411, 504 and 506 IPC. For this purpose, the High Court has relied on the documents brought on record by the respondents 1 to 3 and assumed them to be genuine. The High Court has also opined that the dispute between the parties is of a civil nature and the criminal complaint was filed on account of mala fides of the Appellant.

3. The Appellant submitted that the police on investigation found that the accused had committed the offences and had filed a charge-sheet against them.

4. We have perused the judgment passed by the learned Single Judge and find that no reason has been for arriving at a conclusion that the claim of the Appellant was of civil nature and complaint was motivated by mala fides.

5. We, therefore, set aside the judgment passed by the learned Single Judge and request the High Court to reconsider the Criminal Miscellaneous Case No.422 of 2003 and pass fresh order in accordance with law. The appeal is disposed of accordingly.