

IN THE SUPREME COURT OF INDIA
CRIMINAL/CIVIL APPELLATE JURISDICTION
CRIMINAL APPEAL NOS.1197-1199 OF 2008
(Arising out of S.L.P. (Crl.) Nos.35-37 of 2005)

Kantilal S. Mehta & Ors.

...Appellant(s)

Versus

R. Nandev & Ors.

...Respondent(s)

W I T H

Civil Appeal No.4754 OF 2008
(Arising out of S.L.P. (C) No.17124 of 2008)

O R D E R

Heard learned counsel for the parties.

Leave granted.

A perusal of the records show that Criminal Petition Nos.5273/2000, 5345/2000, 5342/2000 and 5380/2000 filed by the petitioners under Section 482 of the Code of Criminal Procedure for quashing the proceedings of CC Nos.1744/1999, 1745/1999, 1746/1999 and 1747/1999 pending in the Court of XIth Metropolitan Magistrate, Secunderabad, were dismissed by the High Court of Andhra Pradesh vide common order dated 22.7.2004. That order has been challenged in these appeals, except insofar as it pertains to Criminal Petition No.5380 of 2000 because petitioner of that case has not challenged the High Court's refusal to quash the proceedings of the criminal

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case. Another case registered as CC No.789 of 2001 is also pending in the Court of XIth Metropolitan Magistrate, Secunderabad. Apart from the criminal cases, Civil Suit bearing O.S. No.170/1999 filed by some of the non-petitioners is pending in the Court of Additional Chief Judge, City Civil Court, Secunderabad. In that case, the petitioners filed an application for grant of leave to defend, which was dismissed by the Trial Court. CRP No.794/2001 filed against the order of the trial Court was partly allowed by the High Court and leave to defend was granted subject to the condition of deposit of 50% amount claimed by the plaintiffs. That order is under challenge in Special Leave Petition (Civil) No.17124 of 2008.

Learned counsel for the appellants stated that the disputes between the parties in all the four complaint cases as well as the suit have been settled and, pursuant to the settlement, entire money has been paid to the complainants of the complaint cases and the plaintiffs of the civil suit. He also stated that Memorandum of Understanding has been entered into by the parties, original of which has been filed in this Court along with an affidavit.

Learned counsel appearing on behalf of the respondents had taken time on the last occasion to seek instruction from his clients. Today, he stated that his clients have not given the required instructions and, therefore, he is not in a position to make any statement.

We have gone through the Memorandum of Understanding and are satisfied that the parties have settled their disputes and as such, it would be just and expedient to quash the prosecution of the accused persons in all the four cases to meet the ends of justice in spite of the fact that dismissal of Criminal Petition No.5380/2000 has not been challenged before this Court. We are also satisfied that proceedings of CC No.789/2001 deserve to be quashed.

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In the result, we allow the criminal appeals and quash proceedings of all the accused persons in CC Nos.1744/1999, 1745/1999, 1746/1999, 1747/1999 pending in the Court of XIth Metropolitan Magistrate, Secunderabad, within the State of Andhra Pradesh. The proceedings of CC No.789/2001 pending in that Court are also quashed.

So far as the civil suit is concerned, prayer has been made in the Memorandum of Understanding for its withdrawal. In view of this, civil suit bearing O.S. No.170 of 1999, pending in the Court of Additional Chief Judge, City Civil Court at Secunderabad, within the State of Andhra Pradesh is transferred to this Court and is disposed of as withdrawn.

Accordingly, the criminal appeals and the civil appeal are disposed of.

[B.N. AGRAWAL]J.

[G.S. SINGHVI]J.

New Delhi,
August 01, 2008.