

ITEM NO.18 Court 10 (Video Conferencing) SECTION II-B

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Cr1.) No(s). 3685/2021

(Arising out of impugned final judgment and order dated 24-03-2021 in CRLMC No. 428/2021 passed by the High Court Of Kerala At Ernakulam)

KOYENCO AUTOS PVT. LTD.

Petitioner(s)

VERSUS

STATE OF KERALA & ANR.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.61203/2021-EXEMPTION FROM FILING O.T. and IA No.61204/2021-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

WITH

SLP(Cr1) No. 3720/2021 (II-B)

(FOR ADMISSION and I.R. and IA No.61565/2021-EXEMPTION FROM FILING O.T. and IA No.61564/2021-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

SLP(Cr1) No. 3746/2021 (II-B)

(FOR ADMISSION and I.R. and IA No.61919/2021-EXEMPTION FROM FILING O.T. and IA No.61921/2021-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

SLP(Cr1) No. 3710/2021 (II-B)

(FOR ADMISSION and I.R. and IA No.61460/2021-EXEMPTION FROM FILING O.T. and IA No.61461/2021-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 21-05-2021 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DINESH MAHESHWARI

HON'BLE MR. JUSTICE ANIRUDDHA BOSE

For Petitioner(s) R. Basant, Sr.Adv.
 Mr. Lzafeer Ahmad B. F., AOR
 Mr. Mushtaq Salim,Adv.
 Mr. Akshay Sahay,Adv.

For Respondent(s) Mr. Sidharth Luthra, Sr.Adv.
 Mr. Amar Gupta, Adv.
 Mr. Divyam Agarwal, (AOR)
 Mr. Kamaljeet Singh, Adv.
 Ms. Pallavi Kumar, Adv.

Mr. Amar Gupta, Adv.

Mr. Divyam Agarwal, (AOR)
Mr. Kamaljeet Singh, Adv.
Ms. Pallavi Kumar, Adv.

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

Having Heard learned counsel for the petitioner and having perused the material placed on record, we find that though the High Court has passed a comparatively short order while quashing the prosecution but fact of the matter remains that the dispute between the parties is essentially of civil nature where the petitioner is seeking to allege that the accused resiled from the promise to purchase and the petitioner suffered substantial loss thereby. In the report dated 31.01.2021, the Station House Officer, Elathur Police Station had also indicated the civil nature of dispute, particularly in paragraphs 13 and 16, even while stating that he would be verifying the facts of the case.

Looking to the nature of allegations and dispute, we are at one with the final conclusion of the High Court that the proceeding alleging offences under Sections 406 and 420 of IPC were required to be quashed.

That being the position, we find no reason to consider granting special leave to appeal in this Court. Therefore, these petitions were dismissed at the threshold but while making it clear that it is always open to the

petitioner to take recourse of other appropriate remedies in accordance with law, in case of existence of any legal grievance.

Pending applications also stand disposed of.

(DEEPAK SINGH)
COURT MASTER (SH)

(BEENA JOLLY)
COURT MASTER (NSH)