

IN THE SUPRME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL No.611 OF 2020
(Arising out of SLP(Criminal)No.3882 of 2020)

MAHENDER KUMAR SHARDA

... APPELLANT(S)

VERSUS

STATE THROUGH NCT OF DELHI & ANR.

... RESPONDENT(S)

O R D E R

IA No.89719/2020

Notice which is accepted by learned counsel for the non-applicants.

The application has been filed seeking correction of the order passed on 3rd September, 2020 in terms of some facts being recited in the same. It has rightly been pointed out that it is not the case of cheque bouncing but where the FIR registered is in respect of offences under Section 420/460, IPC. The second correction sought is that the total amount of Rs.50,00,000/- (Rupees fifty lakhs) to be paid to respondent No.2 is to be so paid after the orders are passed qua the FIR and at this stage have not yet been paid but are kept in escrow.

We accordingly modify the order dated 3rd September, 2020 in terms of the aforesaid request.

Leave granted in the special leave petition.

The appellant is accused of cheating a sum of Rs.2242.50 in FIR No.575/1997 under Section 420/460, IPC registered at the Kashmere Gate, Delhi. The complainant

is respondent No.2 and both the appellant and respondent No.2 are practicing Chartered Accountants and senior citizens known to each other since 1984. It is stated that the amount in question is a petty amount and arose out of a commercial relationship which apparently went sour. The parties have amicably settled the disputes and the appellant has agreed to compensate the respondent by a sum of Rs.50,00,000/- (Rupees fifty lakhs)! A joint prayer is made both by the appellant and respondent No.2 to bring the proceedings to an end, a request which was declined by the High Court in terms of the impugned order dated 13.07.2020.

On 3rd September, 2020, we had issued notice in the matter while noticing that more than two decades of judicial time has been utilized as only now settlement is sought to be arrived at and thus, we thought it fit that the appellant should compensate the system for having wasted time and not having settled the matter earlier. We quantified the amount at Rs.5,00,000/- (Rupees five lakhs only) to be deposited with the Delhi High Court Mediation Centre and on taking instructions learned counsel for the appellant agreed to the same. The said amount has since been deposited in terms of the order dated 03.09.2020.

Learned counsel for the respondent No.1/State however, opposes the request for quashing submitting that it would send a wrong signal. It is his say that

there are more than one cheques involved in the transaction and the allegation is of opening accounts and forging signatures. On our question, it is conceded that the dispute is only between the appellant and respondent No.2. He further submits that the recording of the testimony of the prosecution witnesses is complete and fearing a possibility of a conviction the settlement has now taken place. On the Court posing a question to him that there is provision for plea bargaining, learned counsel submits that in that case the appellant should approach the Trial Court seeking the remedy under plea bargaining.

We have given a thoughtful consideration to the controversy and the submissions advanced by the learned counsel for the parties. We have no doubt that the nature of dispute is a private one. We are not commenting on the nature of dispute because for an FIR relating to Rs.2242.50, an amount of Rs.50,00,000/- (Rupees fifty lakhs) have been paid as compensation to respondent No.2. There is obviously something more than meets the eyes. So be it.

We are of the view that when both the two parties have settled the dispute, this is not a case where the Court should come in the way of a settlement as it doesn't injure the society as a whole. Not only that the appellant, on the direction of the Court, to compensate for the judicial time taken, has deposited a sum of

Rs.5,00,000/- (Rupees five lakhs) with the Mediation Centre. The prosecution has also not been able to conclude the case for decades.

The result of the aforesaid is that we quash the proceedings emanating from FIR No.575/1997 and bring to an end the proceedings before the Trial Court with a caution to the appellant to be more careful in future.

The appeal is accordingly allowed and the impugned order is set aside leaving parties to bear their own costs.

.....J.
(SANJAY KISHAN KAUL)

.....J.
(ANIRUDDHA BOSE)

.....J.
(KRISHNA MURARI)

New Delhi;
September 15, 2020.

ITEM NO.15 Court 7 (Video Conferencing) SECTION II-C

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (CrI.) No(s). 3882/2020

(Arising out of impugned final judgment and order dated 13-07-2020 in CRLMC No. 2730/2019 passed by the High Court of Delhi at New Delhi)

MAHENDER KUMAR SHARDA Petitioner(s)

VERSUS

STATE NCT OF DELHI & ANR. Respondent(s)

(FOR ADMISSION and I.R.

IA No. 80457/2020 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 83425/2020 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 15-09-2020 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE ANIRUDDHA BOSE
HON'BLE MR. JUSTICE KRISHNA MURARI

For Petitioner(s) Mr. Rajat Bhalla, Adv.
 Ms. Mohini Narain, Adv.
 Mr. Ishan Narain, Adv.
 Mr. Rajan Narain, AOR

For Respondent(s) Mr. Jayant K.Sud, ASG
 Mr. B.V.Balaram Das, AOR
 Ms. Seema Bengani, Adv.
 Mr. Sanjay Kumar Tyagi, Adv.

Mr. Chirag M. Shroff, AOR
Ms. Sanjana Nangia, Adv.
Ms. Abhilasha Bhati, Adv.

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

Leave granted.

The appeal is allowed in terms of the signed order.
Pending applications shall also stand disposed of.

(ANITA MALHOTRA)
COURT MASTER

(ANITA RANI AHUJA)
ASSISTANT REGISTRAR

(Signed order is placed on the file.)