

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO(S).934/2017
(Arising out of Special Leave Petition (Crl.) No(s). 2751/2017)

KAILASH JINDAL

APPELLANT(S)

VERSUS

STATE OF KARNATAKA

RESPONDENT(S)

O R D E R

Leave granted.

We have heard the learned counsel for the parties.

The complainant/respondent filed a private complaint alleging that from the premises of the appellant, they had taken a batch of skin cream and after testing it was found to be 'spurious' and 'not of standard quality'. This complaint was dismissed in 2003. Thereafter a criminal revision petition was filed before the Sessions Court. The Sessions Court restored the criminal complaint with the direction to dispose of the said criminal case. The appellant being aggrieved by the order of taking cognizance preferred a criminal petition under Section 482 Cr.P.C. The High Court dismissed the petition. Hence, the appellant is before us by way of special leave petition.

It is clear from the above that the complaint was dismissed more than 10 years ago. It is also on record that the samples were taken in the year 1995 and complaint was filed only in the year

2003. For all these reasons, we are of the opinion that the complaint should not have been allowed to proceed. The same would be barred in view of the provisions of Section 468 Cr.P.C.

The appeal is accordingly allowed and the proceedings in the said complaint are quashed.

.....J.
[A.K. SIKRI]

.....J.
[ASHOK BHUSHAN]

NEW DELHI;
MAY 05, 2017.

ITEM NO.52

COURT NO.8

SECTION IIC

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 (Crl.) No(s). 2751/2017

(Arising out of impugned final judgment and order dated 20/09/2016 in CRLP No. 201091/2016 passed by the High Court Of Karnataka At Kalaburagi)

KAILASH JINDAL

Petitioner(s)

VERSUS

STATE OF KARNATAKA

Respondent(s)

(WITH APPLN. (S) FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT AND INTERIM RELIEF AND OFFICE REPORT)

Date : 05/05/2017 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE A.K. SIKRI
HON'BLE MR. JUSTICE ASHOK BHUSHAN

For Petitioner(s) Mr. Pulkit Tare, Adv.
Mr. Anup Jain, Adv.

For Respondent(s) Mr. Joseph Aristotle S., Adv.
Ms. Priya Aristotle, Adv.
Mr. Ashish Yadav, Adv.
Ms. Romsha Rai, 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 application(s), if any, stands disposed of accordingly.

(Ashwani Thakur)

(Mala Kumari Sharma)

COURT MASTER

COURT MASTER

(Signed order is placed on the file)

