

**HIGH COURT OF GUJARAT****G SIVARAM***Versus***STATE OF GUJARAT****Date of Decision:** 07 March 2007**Citation:** 2007 LawSuit(Guj) 493**Hon'ble Judges:** [D H Waghela](#)**Case Type:** Criminal Miscellaneous Applicatio**Case No:** 3678 of 1997**Subject:** Criminal**Acts Referred:**[Code of Criminal Procedure, 1973 Sec 313](#)**Final Decision:** Rule made absolute**Advocates:** [Prabhav A Mehta](#), [Nanavati Associates](#), [I M Pandya](#), [M B Parikh](#)

**[1]** The Petitioners have approached this Court under section 482 of the Criminal Procedure Code (for short "the Code") for quashing the complaint of respondent no.3 which is registered as Inquiry Case No.24/97 wherein the order dated 10.3.1997 is made to investigate and report under the provisions of section 156 (3) of the Code.

**[2]** The petitioners are officers of a company with whom the original complainant had entered into a contract and admittedly, a dispute had arisen out of working of that contract. Admittedly, the main grievance of the complainant was that the petitioner had ceased to supply goods to the complainant and withheld a part of the amount deposited by him. It was, on that basis that the complaint for the offences punishable under sections 406 and 420 was made, which resulted into unnecessary harassment and expenses to the petitioners, according to the submission.

**[3]** It was fairly conceded by learned counsel for the original complainant that, as described in the complaint itself, the cause of action had arisen out of business transactions and agreement between the parties, and the complainant would not be interested in pursuing the complaint, if the amount due to the complainant, according to the calculations of the company with which the complainant had entered into

agreement, were paid to him. Responding to that, learned counsel for the petitioner made a statement, on instructions, that whichever amount, if any, due to the original complainant or the amount which may be lying with the company of which the petitioners were the officers, would be repaid to the original complainant within a period of one month. He further submitted that it would be open for the original complainant to submit his calculation of such dues from the company and the company will consider such representation, if any, in determining the amount due to the original complainant.

**[4]** Upon the above statement and understanding being recorded, the petition was jointly requested to be disposed with the direction that the criminal complaint filed by respondent no.3 registered as Inquiry Case No.24/97 in the court of learned JMFC, Amreli, and the investigation conducted by the police inspector, City Police Station, Amreli, pursuant thereto in M.Case No.19/97 of the proceedings thereof shall stand quashed. Rule is made absolute accordingly with no order as to costs.

**Lawsuit**<sup>®</sup>  
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