

Sharad Gujarati vs Ministry Of Company Affairs on 10 January, 2020

Bench: Ashok Bhushan, M.R. Shah

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 60 of 2020
[@ Special Leave to Appeal (CrI.) No(s). 5764/2017]

SHARAD GUJARATI & ORS.

Appellant (s)

VERSUS

MINISTRY OF COMPANY AFFAIRS & ANR.

Respondent (s)

WITH

CRIMINAL APPEAL NO. 61 of 2020 @ SLP(CrI) No. 5798/2017

CRIMINAL APPEAL NO. 62 of 2020 @ SLP(CrI) No. 6063/2017

CRIMINAL APPEAL NO. 63 of 2020 @ SLP(CrI) No. 5864/2017

CRIMINAL APPEAL NO. 64 of 2020 @ SLP(CrI) No. 5873/2017

CRIMINAL APPEAL NO. 65 of 2020 @ SLP(CrI) No. 6018/2017

CRIMINAL APPEAL NO. 66 of 2020 @ Diary No(s). 22924/2017

CRIMINAL APPEAL NO. 67 of 2020 @ SLP(CrI) No. 5866/2017

CRIMINAL APPEAL NO. 68 of 2020 @ Diary No(s). 23179/2017

CRIMINAL APPEAL NO. 69 of 2020 @ Diary No(s). 23180/2017

O R D E R

Leave granted.

We have heard learned counsel for the parties. These matters arise out of a common judgment passed by the High Court in different miscellaneous criminal cases. The application under Section 482 of the Code of Criminal Procedure was filed by the appellants praying for quashing the different criminal cases for offences under the Company Act, 1956.

The High Court dismissed the application filed under Section 482 of the CrPC.

Aggrieved by the said order, the appellants have come up in appeals.

Learned counsel for the appellants submits that the Company Law Board in separate company applications has already passed an order compounding the offences for which criminal proceedings were initiated against the appellants. The orders passed by the Company Law Board compounding the offences have been brought on record. Learned counsel appearing for respondent No.1 does not dispute that the Company Law Board has passed an order compounding the offences.

In view of the fact that offences have already been compounded, we see no justification in permitting the criminal proceedings to proceed further for the offences which have already been compounded.

We allow the appeals and set aside the impugned judgment of the High Court and quash the criminal proceedings initiated under the Company Act, 1956 against the appellants.

.....J. [ASHOK BHUSHAN]J. [M.R. SHAH] NEW DELHI;

January 10, 2020.

ITEM NO.40

COURT NO.9

SECTION II-A

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 (Crl.) No(s). 5764/2017

(Arising out of impugned final judgment and order dated 27-04-2017 in MCRC No. 7739/2015 passed by the High Court Of M.P At Indore) SHARAD GUJARATI & ORS. Petitioner(s) VERSUS MINISTRY OF COMPANY AFFAIRS & ANR. Respondent(s) (FOR I.R. and IA No. 69335/2017 - EXEMPTION FROM FILING O.T.) WITH SLP(Crl) No. 5798/2017 (II-A) (FOR IA No. 70121/2017 - EXEMPTION FROM FILING O.T.) SLP(Crl) No. 6063/2017 (II-A) (FOR IA No. 75116/2017 - EXEMPTION FROM FILING O.T.) SLP(Crl) No. 5793/2017 (II-A) (FOR IA No. 70034/2017 - EXEMPTION FROM FILING O.T.) SLP(Crl) No. 5864/2017 (II-A) (FOR IA No. 71201/2017 - EXEMPTION FROM FILING O.T.) SLP(Crl) No. 5873/2017 (II-A) (FOR IA No. 71558/2017 - EXEMPTION FROM FILING O.T.) SLP(Crl) No. 6018/2017 (II-A) (IA No. 74240/2017 - EXEMPTION FROM FILING O.T.) SLP(Crl) No. 5794/2017 (II-A) (FOR IA No. 70040/2017 - EXEMPTION FROM FILING O.T.) SLP(Crl) No. 5856/2017 (II-A) (FOR IA No. 71150/2017 - EXEMPTION FROM FILING O.T.) Diary No(s). 22924/2017 (II-A) (FOR EXEMPTION FROM FILING O.T. ON IA 70904/2017 and IA No. 70899/2017 - CONDONATION OF DELAY IN FILING) Diary No(s). 22927/2017 (II-A) (IA No. 73019/2017 - CONDONATION OF DELAY IN FILING and IA No. 73020/2017 - EXEMPTION FROM FILING O.T.) SLP(Crl) No. 5866/2017 (II-A) (FOR IA No. 71214/2017 - EXEMPTION FROM FILING O.T.) Diary No(s). 23009/2017 (II-A) Diary No(s). 23179/2017 (II-A) (FOR EXEMPTION FROM FILING O.T. ON IA 71545/2017 and IA No. 71538/2017 - CONDONATION OF DELAY IN FILING) Diary No(s). 23180/2017 (II-A) Date :

10-01-2020 These matters were called on for hearing today. CORAM : HON'BLE MR. JUSTICE ASHOK BHUSHAN HON'BLE MR. JUSTICE M.R. SHAH For Petitioner(s) Ms. Meenakshi Arora, Sr. Adv.

Ms. Pragati Neekhara, AOR For Respondent(s) Ms. Madhvi Divan, ASG Mr. Sarad Kumar Singhania, Adv.

Mr. Ayush Puri, Adv.

Mr. Arvind Kumar Sharma, AOR UPON hearing the counsel the Court made the following O R D E R CRIMINAL APPEAL NO. 60 of 2020 @ Special Leave to Appeal (Crl.) No(s). 5764/2017, CRIMINAL APPEAL NO. 61 of 2020 @ SLP(Crl) No. 5798/2017, CRIMINAL APPEAL NO. 62 of 2020 @ SLP(Crl) No. 6063/2017, CRIMINAL APPEAL NO. 63 of 2020 @ SLP(Crl) No. 5864/2017, CRIMINAL APPEAL NO. 64 of 2020 @ SLP(Crl) No. 5873/2017, CRIMINAL APPEAL NO. 65 of 2020 @ SLP(Crl) No. 6018/2017, CRIMINAL APPEAL NO. 66 of 2020 @ Diary No(s). 22924/2017, CRIMINAL APPEAL NO. 67 of 2020 @ SLP(Crl) No. 5866/2017, CRIMINAL APPEAL NO. 68 of 2020 @ Diary No(s). 23179/2017 and CRIMINAL APPEAL NO. 69 of 2020 @ Diary No(s). 23180/2017 Leave granted.

The criminal appeals are allowed in terms of the signed order. Pending applications stand disposed of. SLP(Crl) No. 5793/2017, SLP(Crl) No. 5794/2017, SLP(Crl) No. 5856/2017, Diary No(s). 22927/2017, Diary No(s). 23009/2017 List the matters after two weeks.

(MEENAKSHI KOHLI)
COURT MASTER

(RENU KAPOOR)
COURT MASTER

[Signed order is placed on the file]