

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 1210 OF 2019  
(Arising out of SLP(Cr1) No. 4692/2019)

RITESH AJMERA .. APPELLANT(S)

VERSUS

DAINIK BHASKAR AND ORS. .. RESPONDENT(S)

WITH

CRIMINAL APPEAL NO. 1211 OF 2019  
(Arising out of SLP(Cr1) No. 1011/2019)

CRIMINAL APPEAL NO. 1213 OF 2019  
(Arising out of SLP(Cr1) No. 4693/2019)

CRIMINAL APPEAL NO. 1212 OF 2019  
(Arising out of SLP(Cr1) No. 4691/2019)

O R D E R

1. Leave granted.
2. The first respondent-complainant has filed the complaint under Section 138 of the Negotiable Instruments Act, 1881 against the accused before the Court of Judicial Magistrate, Indore based on four dishonored cheques, the description of which are as under :

1. Cheque No. 521356 dated 20.07.2019  
for Rs. 10,53,500/-

2. Cheque No. 521355 dated 17.07.2015  
for Rs. 10,53,500/-

3. Cheque No. 063210 dated 06.07.2015  
for Rs. 9,80,000/-

4. Cheque No. 521352 dated 06.07.2015 for  
Rs. 10,53,500/-

3. The learned Magistrate *prima facie* found that there are sufficient grounds for taking cognizance of the offence and directed issuance of summons to the appellant-accused.

4. Being aggrieved by the order of the learned Magistrate for issuance of summons, the appellants have filed the quash petitions before the High Court under Section 482 Cr.P.C. The High Court dismissed the quash petitions by holding that there are sufficient grounds to proceed against the accused and that the trial Court was right in taking cognizance of the offence and there are no grounds to interfere with the order of issuance of summons. Being aggrieved, the appellant has filed these criminal appeals.

5. The learned counsel for the parties have submitted that the appellant and the respondents have settled the matter in terms of the settlement dated 08.07.2019. The terms of the settlement reads as under :

"That the Respondent No. 2 has entered into settlement dated 08.07.2019 with the Respondent No. 1, the terms of the settlement Deed is as under :

*"This is with reference to the meeting held on 08.07.2019 at our office and subsequent discussions*

*we had with regard to settlement of Advertisement outstanding to Rs. 94,87,735/- we would like to inform you that, we had mutually agreed upon settlement of same on Rs. 14,00,000/- The cheque No. 172696 dated 08.07.2019 of Axis Bank Ltd. is provided and hence, settled in full. We further, like to inform you that upon clearing of aforesaid cheque the legal proceedings will be commenced to be withdrawn"*

That the Respondent No. 1 has received the amount as mentioned in the Settlement Deed Rs. 14,00,000/-"

6. Since the parties have amicably settled the matter at the stage of issuance of summons itself, there is no necessity of imposing cost as per the guidelines laid down by this Court in the judgment reported in Damodar S. Prabhu vs. Sayed Babalal H. (2010) 5 SCC 663.

7. In view of settlement arrived at between the parties, the impugned judgment of the High Court is set aside and these appeals are allowed. The summons issued to the appellants shall stand quashed.

.....J.  
[ R. BANUMATHI ]

.....J.  
[ A.S. BOPANNA ]

NEW DELHI,  
AUGUST 06, 2019.

ITEM NO.9, 9.1-9.3

COURT NO.7

SECTION II-A

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 (Cr1.) No(s). 4692/2019

(Arising out of impugned final judgment and order dated 14-08-2018  
in MCRC No. 10582/2016 passed by the High Court Of M.P At Indore)

RITESH AJMERA

Petitioner(s)

VERSUS

DAINIK BHASKAR & ORS.

Respondent(s)

WITH

SLP(Cr1) No. 1011/2019 (II-A)

SLP(Cr1) No. 4693/2019 (II-A)

(FOR ADMISSION and I.R. and IA No.76275/2019-CONDONATION OF DELAY IN  
FILING and IA No.76276/2019-EXEMPTION FROM FILING O.T.)

SLP(Cr1) No. 4691/2019 (II-A)

Date : 06-08-2019 This petition was called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE R. BANUMATHI

HON'BLE MR. JUSTICE A.S. BOPANNA

For Petitioner(s) Ms. Rashmi Singhania, AOR

Mr. A.P. Dhamija, Adv.

Mr. Sarad Kumar Singhania, AOR

For Respondent(s) Ms. Srishti Singh, AOR

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

Delay condoned.

Leave granted.

In view of settlement arrived at between the  
parties, the impugned judgment of the High Court is  
set aside and these appeals are allowed. The

summons issued to the appellants shall stand quashed.

Pending applications stand disposed of.

[ CHARANJEET KAUR ]  
A.R. - CUM - P.S.

[ NISHA TRIPATHI ]  
COURT MASTER

[ Signed order is placed on the file ]