

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**SPECIAL CRIMINAL APPLICATION NO. 2429 of 2011****With****SPECIAL CRIMINAL APPLICATION NO. 2430 of 2011****With****SPECIAL CRIMINAL APPLICATION NO. 2431 of 2011****With****SPECIAL CRIMINAL APPLICATION NO. 2509 of 2011****With****SPECIAL CRIMINAL APPLICATION NO. 2510 of 2011****With****SPECIAL CRIMINAL APPLICATION NO. 2511 of 2011****With****SPECIAL CRIMINAL APPLICATION NO. 2512 of 2011****With****SPECIAL CRIMINAL APPLICATION NO. 2707 of 2011****With****SPECIAL CRIMINAL APPLICATION NO. 2708 of 2011****With****SPECIAL CRIMINAL APPLICATION NO. 2709 of 2011****FOR APPROVAL AND SIGNATURE:****HONOURABLE MR.JUSTICE K.M.THAKER**

01.	Whether Reporters of Local Papers may be allowed to see the judgment?	
02.	To be referred to the Reporter or not?	
03.	Whether their Lordships wish to see the fair copy of the judgment?	
04.	Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder?	
05.	Whether it is to be circulated to the civil judge?	

C L RANGANATHA RAO....Applicant(s)**Versus****STATE OF GUJARAT & 1....Respondent(s)**

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Appearance:

MR PP MAJMUDAR, ADVOCATE for the Applicant(s) No. 1

MR VIMAL A PUROHIT, ADVOCATE for the Applicant(s) No. 1

DS AFF.NOT FILED (N) for the Respondent(s) No. 1

MR HRIDAY BUCH, ADVOCATE for the Respondent(s) No. 2

PUBLIC PROSECUTOR for the Respondent(s) No. 1

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CORAM: HONOURABLE MR.JUSTICE K.M.THAKER

Date : 25/10/2013

COMMON ORAL JUDGMENT

1. The respondent-complainant in this group of petitions under Section 482 of the Code of Criminal Procedure, 1973 (hereinafter referred to as 'the Code') is common. The respondent-complainant has filed four almost similar complaints in connection with certain parcels of land which, according to the complainant-company are property of the complainant company. In the said four complaints, the respondent – complainant company has alleged, *inter alia*, offence punishable under Sections 406, 407, 420, 463, 467(a), 120B and 114 of Indian Penal Code. The said four complaints are registered as M. Case Nos.4/2010, 5/2010, 6/2010 and 7/2010 respectively. The main and principal subject matter of the said complaints is certain parcels of land bearing Survey Nos.24, 24/2, 24/1, 811/1, 844/2, 806/2, situate at Village: Chitravada, District: Narmada and the complainant has also alleged about certain illegal acts allegedly committed by the accused persons.

2. After the complaints were lodged the learned Magistrate passed similar order dated 2.11.2010 in all four complainants and directed inquiry / investigation under Section 156(3) of the Code. Aggrieved by the said complaints, order/s and the proceedings, the accused persons have prayed that the said Criminal Cases No.4/2010, 5/2010, 6/2010 and 7/2010, the impugned orders dated 2.11.2010 and all consequential proceedings may be quashed.

3. Learned counsel for the petitioners and respondent -complainant company have made common and similar submissions in respect of all petitions / petitioners except additional submissions and relevant variance with reference to the alleged role of the petitioners. In that view of the matter, and also with a view to avoiding repetition of similar contentions and similar discussion and also considering the fact that learned Magistrate has passed similar impugned order for inquiry under Section 156(3) of the Code in respect of the said four impugned complaints – criminal cases and since the impugned orders as well as impugned complaints are challenged on almost similar grounds, all petitions are heard together and are decided by this common order. However, considering the fact that the respondent company has filed separate, though almost similar, complaints, the relevant details concerning the said four separate complaints / criminal cases are summarized hereunder so as to give composite picture with reference to all 4 complaints / criminal cases.

4. In the said four complaints – cases the respondent – complainant has impleaded different persons, who, allegedly, are directors / officers of a company named Yakima Filters Pvt. Ltd. (hereinafter referred to as ‘the said other company’) or associates connected with the said other company. Some of the accused persons have claimed and allegedly misrepresented that they are directors/officers of the respondent – complainant company. The relevant details regarding Inquiry Case Number, M. Case Number and corresponding petition numbers (FIR) is, for sake of convenience, summarized in below mentioned table:

Sr. No.	Petition No.	M.Case No. & Inquiry Case No.	The petitioner No. and corresponding Accused No. in M.Case No. (FIR)
1	Sp.Cr.A. No. 2429/11	6/2010 57/2010	Accused No.6
2	Sp.Cr.A. No. 2430/11	5/2010 56/2010	Accused No.4
3	Sp.Cr.A. No. 2431/11	7/2010 58/2010	Accused No.4
4	Sp.Cr.A. No. 2432/11	6/2010 57/2010	Accused No.3
5	Sp.Cr.A. No. 2433/11	4/2010 55/2010	Accused No.2
6	Sp.Cr.A. No. 2509/11	5/2010 56/2010	Accused No.1
7	Sp.Cr.A. No. 2510/11	6/2010 57/2010	Accused No.1
8	Sp.Cr.A. No. 2511/11	7/2010 58/2010	Accused No.1
9	Sp.Cr.A. No. 2512/11	4/2010 59/2010	Accused No.1

10	Sp.Cr.A. No. 2707/11	5/2010 56/2010	Accused No.2(2)
11	Sp.Cr.A. No. 2708/11	6/2010 57/2010	Accused No. 2 Accused No.3
12	Sp.Cr.A. No. 2709/11	7/2010 58/2010	Accused No. 3 Accused No.4

5. So far as M. Case No.4 of 2010 is concerned, the respondent - complainant company has mentioned names of three persons as accused persons. Out of the said three accused persons, accused No.1 has preferred the petition being S.Cr.A. No.2512 of 2011 and so far as the M. Case No. 5 of 2010 is concerned, the respondent - complainant company has mentioned names of six persons as accused persons and out of the six accused persons, accused No.6 has preferred the petition being S.Cr.A.No.2430 of 2011, whereas accused No.1 has taken out petition being S.Cr.A.No. 2509 of 2011 and accused No. 2 has taken out petition being S.Cr.A.No.2707 of 2011, whereas so far as M. Case No. 6 of 2010 is concerned, the respondent - complainant company has mentioned names of six persons as accused persons. Out of the said six accused persons, accused No.1 has taken out petition being S.Cr.A No.2510 of 2011, whereas accused No.2 has taken out petition being S.Cr.A.No.2708 of 2011 and accused No.6 has taken out petition being S.Cr.A.No.2429 of 2011 and so far as M. Case No. 7 of 2010 is concerned, the respondent - complainant company has mentioned names of seven persons as accused persons and out of seven accused persons, accused No.7 has taken out petition being S.Cr.A.No.2431 of 2011, whereas accused No. 1 has taken out petition being S.Cr.A.No. 2511 of 2011

and accused No.3 has taken out petition being S.Cr.A.No.2709 of 2011. It is relevant to clarify that the reference of accused persons is made as per the numbers at which the names of accused persons are mentioned in Column No.7 of the respective complaint/M.Case.

5.1 Accordingly, the respondent – complainant company has mentioned names of in all, 8 persons as accused persons in the said four complaints – cases. Some of the said eight accused persons are common in all complaints, whereas names of some accused persons are mentioned in one or two complaints while in other complaints name of other accused persons are mentioned. It is claimed by the learned counsel for the respondent – complainant company that names of the persons in different complaints are mentioned according to the role allegedly played by the concerned accused persons whose names are mentioned in the respective complaints.

5.2 Before proceeding further, it is relevant to mention that one of the accused persons, who died during pendency of the said criminal cases, had preferred two writ petitions being S.Cr.A. Nos. 2432 of 2011 and 2433 of 2011, however, upon sad demise of the said accused person, the learned counsel for the petitioner requested the Court to dispose of the said petitions and accordingly, the said two petitions have been disposed of.

Re: About the complaints:

6. Though, to some extent different allegations have been made by the respondent – complainant company in the said four complaints, substantially the allegations are almost similar and the basic foundation of the allegations against the accused persons in the said complaints is that certain documents, including some resolutions allegedly passed by the Board of Directors of the complainant company, have been forged/fabricated and on the strength of and with help of said forged/fabricated resolutions other documents e.g. agreement to deposit the title deed of certain parcels of land (i.e. to mortgage the company's property/land) and agreement to sell have been forged and executed and other acts of actually selling the land or creating charge over company's and/or executing the agreements to sell, etc. have been carried out. In the complaints, the respondent – complainant company has alleged *inter alia* that the persons who are named as accused persons in the said complaint have, in conspiracy and with the help of forged and fabricated documents – including resolutions allegedly passed by the Board of Directors of respondent company – sold or entered into agreement to sell, certain parcels of land which are property of the complainant company and have also, in respect of certain other parcels of land, created charge over the said property and that the alleged acts have been executed with knowledge that the land in question are property of the complainant company. It is also

alleged that the acts of selling the lands in question and/or the act of creating charge over certain parcels of land and/or the act of executing the agreement to sell, etc. have been taken and executed in collusion and conspiracy by the accused persons with, and despite, the knowledge that the lands in question are the property of the respondent – complainant company. In the impugned complaints, it is also alleged that the accused No.1 misrepresented himself and claimed to be Director of the complainant company though at the relevant time, i.e. when the disputed documents were created / fabricated and/or when alleged acts/documents were committed/executed and by such misrepresentation and with help of such fabricated documents, the accused No.1 and the co-accused persons allegedly committed fraud, deceit, cheating and grabbed company's property and created charge over the property and/or sold the property and forged other documents. The subject matter in some of the complaints is related to the acts of creating charge over the lands in question on the strength of and with the help of the forged and fabricated documents particularly the resolutions allegedly passed by the respondent – complainant company whereas in the other complaint, the allegation is about dividing (for the purpose of selling) the lands in question in sub-plots and selling the land of the respondent company to different persons including the said other company and/or entering into agreement to sell the sub-plots of the land to certain individual purchasers and in some complaint, the respondent – complainant company

has made mixed allegations i.e. allegation related to creation of charge and selling of the land, with help of the disputed i.e. forged and fabricated documents and by misrepresenting their status as Director or Executive Director / Officer of the respondent – complainant company. In the impugned complaints, the respondent – complainant company has also alleged that the accused No.1 and other accused persons i.e. co-accused persons have acted in conspiracy and in the first instance, certain documents have been forged and fabricated i.e. resolutions allegedly passed by the company whereas actually the complainant company has not passed such resolutions and thereafter, on the strength of such forged and fabricated documents, the accused No.1 misrepresented himself as Director of the complainant company and certain other co-accused persons also represented himself as the Officer(s) / Executive Director(s) of the respondent – complainant company and with help of such forged documents and on such misrepresentation, the accused persons have committed breach of trust and misappropriated and grab the property of the complainant company. In paragraph No.7 of its reply affidavit, the complainant company has summarized some of the relevant facts and allegations. The said paragraph 7 reads thus:

"7. I say and submit that in view of the above and also in view of the following facts, this Hon'ble Court may kindly be pleased to dismiss the petition.

i) The accused No.1 and other co-accused have acted in tandem and thereby valuable piece of lands of the ownership of the deponent have been sold/alienated by accused No.1 – Dr.Asalam Ali posing himself as Director of the deponent company in in the year 2010, though, he was not a Director w.e.f. 30.9.2009.

ii) The accused No.1 has sold the valuable piece of land of the deponent to his own company and thereby misappropriated and grabbed the properties.

iii) Two parcels of land of the deponent has been sold by accused No.1 Dr.Asalam Ali to his own company i.e. Yakima Filters Pvt Ltd at throw away prices whereas some of the plots out of the land bearing Survey No.811 have been sold to various persons and the entire plot is again mortgaged to his own company i.e. Yakima Filters Pvt. Ltd. On 3.8.2010 i.e. after the order of injunction granted by the competent civil court.

iv) Thus, all the accused persons conspired and committed the alleged offences and, therefore, ingredients of all the offences are constituted. Hence, the present petition may not be entertained and may kindly be dismissed with exemplary costs."

6.1 The impugned complaints have been filed with the said allegations as the base or foundation with some variations or additions as regards factual aspects. From the impugned complaints/charge sheets, it has emerged that the complaint against the accused persons comprise allegations about forgery and fabricating documents, misrepresentation as company's Director / Officer(s), breach of trust, selling the property of the company with the knowledge that the property in question is company's property and yet claiming it to be their property and creating charge over the company's property by misrepresentation and with the help of forged/fabricated documents, causing loss to the company of its property and the sale consideration and/or of the amount received by creating charge over the property.

6.2 On the said complaints, the learned Magistrate, vide order dated 2.11.2010, passed similar orders below all complaints and directed inquiry under Section 156(3) of the Code and also directed that the report may be filed within 60 days from the date of

the order. It is brought on record that subsequently, charge-sheet has been filed. The respondent-complainant company has filed affidavit and opposed the petition.

Re: Rival Submissions:

7. Mr.Majmudar, learned advocate for the petitioner submitted that even if the allegations are taken at their face value, any offence as alleged by the complainant is not made out and any ingredient of the alleged offence do not emerge from the complaint. Mr.Majmudar, learned advocate for the petitioner also contended that actually, it is the accused No.1 who advanced, as loan, huge amount to the complainant company in its difficult time and as part of the terms of said transaction, accused No.1 was inducted as Director in the Board of Directors of the complainant company and the document dated 28.12.2007 was executed and thereafter in pursuance of the said document, the other documents including the document dated 30.12.2008 were executed.

Mr.Majmudar, learned advocate for the petitioner further submitted that so far as Memorandum of Undertaking dated 28.12.2007 is concerned, it is admitted by the respondent and that, therefore, its veracity or genuineness is not in question. According to the learned advocate for the petitioner, it is not the case of the respondent that the petitioners / accused persons have forged signature of any other

person. The persons whose signatures are found in the documents in question, have admitted that they have put their signatures on the said documents. Thus, the petitioners did not impersonate as someone else and did not forge signature of someone else. According to the learned advocate for the petitioner, this is not a case of forgery and at the best, it is case of execution of document without authority. It is also claimed and contended by the learned advocate for the petitioner that the respondents have taken inconsistent stand and plea in the civil suit and in their affidavit in present case. Mr.Majmudar, learned advocate for the petitioner referred to the various documents on record, e.g. documents at page Nos.60A, 67, 61, 65, 96, 115, 77 to 79, 95, 80, 109 and he also relied on the decisions in the case of *Anjani Kumar vs. State of Bihar* [(2008) 5 SCC 248] and in the case of *Nahar Industrial Enterprises Ltd. vs. Hong Kong and Shanghai Banking Corporation* [(2009) 8 SCC 646].

7.1 Per contra, Mr.Buch, learned advocate for the respondent submitted that the charge-sheet has been filed and that, therefore, the petitioner has remedy before the learned trial Court and that, therefore, present petition is not maintainable and does not deserve to be entertained. Mr.Buch, learned advocate for the respondent relied on the details mentioned in the affidavit filed by the respondent. The respondent has claimed in the reply affidavit that:

"3.3 I further submit that this Hon'ble Court, vide order dated 12.1.2012 has been pleased to issue notice and has also granted interim relief to the petitioners in all the entire group of petitions. The Hon'ble Court has recorded the submissions made on behalf of the petitioners in each of the petitions. Thereupon, it appears that, this Hon'ble Court was persuaded by the petitioners to pass the said order by giving false and misleading details. The petitioners stated that the complaint is filed by the deponent about the transactions undertaken pursuant to the authority conferred upon them by resolution passed by the Board where the complainant was signatory. The said resolution is produced by the petitioners before this Hon'ble Court along with their further / additional affidavit. However, along with the said affidavit, the petitioners have relied upon various documents which are forged and the deponent has never signed on such documents and/or resolutions. The Agreement dated 30.12.2008 (page 61) and Board Resolution dated 25.04.2009 (Page 92) are forged and fabricated documents. The signatures of the deponent thereon are forged.

3.5 Similarly I say that the alleged Board Resolution dated 16th January 2008 (pg 77) and 24th December 2009 (pg 93) are fabricated documents. I say that in the Board Meeting held on 16th January 2008 Dr.Asalam Ali was only authorised to create an equitable mortgage of the deponent's Rajpipla property as collateral security for loans to be obtained by Yakima Filters from Canara Bank and its consortium and to execute all necessary documents for the same. The said authorisations were to stand cancelled, if any dispute, surfaced in MOU dated 28.12.2007 or Yakima Filters any time and it stood cancelled as recorded in deponents letter dated 10.07.2008 marked as **Annexure IV** to this affidavit.

Similarly, the alleged Board Resolution dated 24th December, 2009 is a fabricated document. I say that no Board Meeting was held on 24th December, 2009 nor was Dr.Asalam Ali a director on that date as more particularly staetd hereafter he ceased to be Additional director with effect from 30.9.2009 nor was any account opened with Bank of Barod.

4. I say and submit that the very foundation on which the case of the petitioners is based is that the accused No.1 Dr.Asalam Ali was a Director of the deponent company and because of the agreement between the deponent and the said accused, all the actions/exercise have been undertaken. However, even the said fact is misleading. The said accused No.1 Dr.Asalam Ali was appointed as an Additional Director of the deponent company w.e.f. 1.1.2008. As per Section 260 of the Companies Act, an Additional Director automatically vacates the office at the next Annual General Meeting unless he is absorbed as a Director. However, the said accused did not propose himself to be appointed as Director at the time of Annual General Meeting of the deponent company which was held on 18.12.2008 and, therefore, the said accused ceased to hold the office even as an Additional director w.e.f. 18.12.2008. Thereafter, a resolution was passed on 28.12.2008 for appointing the said accused again as Additional Director. However, in the next Annual General Meeting, which is held on 30.9.2009, the said accused did not propose himself to be appointed as Director and, therefore,, he has ceased to be an Additional Director of the deponent company in view of Section 260 of the Companies Act. Therefore, whatever acts undertaken by the said accused after 30.9.2009 would be fraudulent and not within the framework of the Companies Act as well as the Rules.

4.3 It is further pertinent to note that the said accused No.1 Dr.Asalam Ali has filed a petition, being Company Petition No.89 of 2010 before the Company Law Board, Mumbai, under Section 397 to 399 of the Companies Act seeking various directions against the deponent. The principal relief in the said petition is a direction

to reinstate the said accused as Director of the deponent company. The said petition is filed on 02.11.2010. The deponent craves leave to refer to rely upon the said petition at the time of hearing of the present petition in case of necessity. However, in para-46 of the petition, the following facts are mentioned.

"46. The petitioner did not receive any notice calling upon him to attend the AGM in the year 2009 or 2010. He also did not receive any notice of AGM or the Board in which Mr.Ambawat was appointed as an Additional Director. There is a serious lapse on the part of the respondents in not communicating the same to the petitioner as shareholder and also in the capacity of Director."

4.4a The said averment is made on oath. In stark contradiction to the said averment, the petitioners including the accused No.1 have said that he has been the Director of the deponent company and has acted as such all throughout even in the year 2009 – 2010. Under the circumstances, the whole foundation of the case of the petitioners is based on misleading and false facts as well as details and, therefore, no discretion may kindly be exercised and the petition may kindly be dismissed in limine."

Mr. Buch, learned advocate also submitted that the disputed documents are forged and fabricated and with help of such forged and fabricated documents, the accused have crated charge over the respondent company's property. Mr.Buch, learned advocate also submitted that since 4 accused persons are absconding, the petitioners should not be granted any relief. He also referred to and relied on the document at page Nos.100, 130, 131 to 141, 153 and 147, 116, 92 and 93. Mr.Buch, learned advocate for the respondent also contended that the document dated 30.12.2008 (Annexure-D, Page No.61), on which the petitioner has placed heavy reliance, is actually disputed document and the respondent strongly objects the said document on the ground that it is not executed by the respondent. He also claimed that despite the fact accused No.1 in M. Case No.4/2010 and M. Case No.5/2010 ceased to be a Director of the respondent company with effect from 30.9.2009 (because his tenure

as Director with the respondent company was not renewed/extended), he misrepresented about status and misrepresented that he is Director of the respondent company and by such misrepresentation, he and other accused persons executed different documents and with help of such false and fabricated documents, the accused persons mortgaged and/or sold parcels of land which are properties of complainant company misused by the accused persons and thereby, offence punishable under Sections 406, 407, 420, 463, 467(a), 120B and 114 of the Indian Penal Code are committed. Learned advocate for the respondent submitted that the accused persons also fabricated document purporting to be resolution allegedly passed by the respondent company, whereas the respondent company has not passed such resolution. Learned advocate for the respondent submitted that specific allegations against the accused person/s can be found in the FIR/complaint and the details which are mentioned in the FIR/complaint, do establish ingredients of the alleged offence which justify the continuation of trial/proceedings and in light of the said details, the petitioner's request to quash the FIR is unjustified and untenable.

8. I have heard learned counsel for the petitioners and respondent at length and I have also considered the material on record.

8.1 Before proceeding further, it would be appropriate to mention that learned advocate for the petitioners also contended that the investigation

officer filed the charge-sheet after the Court granted interim relief in present case. Differently put, the charge-sheet has been filed in breach of the Court's interim order. On this count, learned APP also clarified that the investigation officer had forwarded the charge-sheet to the learned trial Court before the date of order of interim relief. However, under letter dated 13.7.2011, the learned trial Court had returned the charge-sheet and related papers which, subsequently, came to be re-submitted. In this context, it is also necessary and relevant to mention at this stage that the Court is informed that the petitioner had preferred separate proceedings (i.e. Misc. Civil Application (For contempt) No.469/2013) under provisions of the Contempt of Courts Act against the alleged action of filing charge-sheet after the order of interim relief passed by the Court, the said contempt petition is disposed of vide order dated 22.8.2013. In this view of the matter, it is not necessary to enter into the said issue and it would not be proper for this Court to record any observation with regard to the petitioner's allegations and/or the investigation officer's explanation/reply.

8.2 It is also relevant to mention at this stage that learned advocate for the respondents informed the Court that accused No.1 in all four M. Cases, i.e. M. Case Nos.4/2010, 5/2010, 6/2010 and 7/2010 had filed proceedings before the Company Law Board being C.P. No.89/2010 against present respondent company – complainant, alleging certain acts of oppression and

mismanagement. According to the petitioners, in the said proceedings, the said accused No.1 had challenged his removal from the post of Director of the respondent company. Learned advocate for the respondent company – complainant informed the Court that vide order dated 22.8.2013, Company Law Board has dismissed the said proceedings and rejected the challenge by the accused against his removal as Director.

9. From the record, particularly from the complaints, it has emerged that the alleged acts, which, according to the complainant, amount to offence, are committed in respect of different parcels of land, viz. land bearing Survey / Block Nos.811/1, 806/2, 811, 24 and 844/2 and that, therefore, different complaints in respect of different parcels of land bearing different survey numbers have been filed, however, the substance of the complaint and the allegations in all complaints (which are registered as different M. Cases), are almost similar. According to the complainant, the accused have perpetrated the alleged offence by misrepresentation and with the help of forged and fabricated documents.

9.1 The petitioners have brought the proceedings before this Court under Section 482 of the Code at the stage when the learned Magistrate passed order directing investigation under Section 156(3) of the Code. In pursuance of the said direction, the investigation officer has filed report / charge sheet

under Section 173 and that therefore, it is not for this Court at this stage and in proceedings under Section 482 of the Code (but it is for the learned trial Court) to apply mind to the report filed by the investigating officer / officer in-charge and it would not be proper and permissible for this Court to quash the complaints or the proceedings or the complaints before the learned trial Court who would apply its mind to the charge sheet / report and the material submitted along with the report / charge sheet as observed by Hon'ble Apex Court in the decision in case of *Dharmatma Singh (supra)*.

9.2 The question which arises is whether the Court should interfere with the proceedings before the learned trial Court and/or against the said order dated 2.1.2010 directing investigation under Section 156(3) of the Code.

Re: Sections 173 and 190 and 482 of the Code.

9.3 On this count, at the outset, it is pertinent to take into consideration that vide impugned order dated 2.11.2010, the learned Magistrate merely passed order directing investigation under Section 156(3). In pursuance of the said order dated 2.11.2010, charge-sheet came to be filed. The said decision and the order are completely within discretion and authority of the learned Magistrate and this Court, in exercise of jurisdiction under Section 482 of the Code, would not interfere with such order

by learned Magistrate. After the charge-sheet is filed, it is actually the jurisdiction of learned trial Court to consider and apply mind to the charge-sheet and its related material. On this count, it would be appropriate to take into account the observations by Hon'ble Apex Court in the case of *Dharmatma Singh vs. Harinder Singh* [2011 (0) GLHEL-SC 49757], wherein Hon'ble Apex Court has observed, *inter alia*, that:

"9. A reading of provisions of sub-section (2) of Section 173, Cr.P.C. would show that as soon as the investigation is completed, the officer in charge of the police station is required to forward the police report to the Magistrate empowered to take cognizance of the offence stating *inter alia* whether an offence appears to have been committed and if so, by whom. Sub-section (8) of Section 173 further provides that where upon further investigation, the officer in charge of the police station obtains further evidence, oral or documentary, he shall also forward to the Magistrate a further report regarding such evidence and the provisions of sub-section (2) of Section 173, Cr.P.C., shall, as far as may be, apply in relation to such report or reports as they apply in relation to a report forwarded under sub-section (2). Thus, the report under sub-section (2) of Section 173 after the initial investigation as well as the further report under sub-section (8) of Section 173 after further investigation constitute "police report"; and have to be forwarded to the Magistrate empowered to take cognizance of the offence. It will also be clear from Section 190 (b) of the Cr.P.C. that it is the Magistrate, who has the power to take cognizance of any offence upon a "police report" of such facts which constitute an offence. Thus, when a police report is forwarded to the Magistrate either under sub-section (2) or under sub-section (8) of Section 173, Cr.P.C., it is for the Magistrate to apply his mind to the police report and take a view whether to take cognizance of an offence or not to take cognizance of offence against an accused person.

... ..

12. as has been held by this Court in *Abhinandan Jha* (supra) and *Mrs. Rupan Deol Bajaj* (supra) it was for the learned Magistrate to apply judicial mind to the facts stated in the reports submitted under sub-sections (2) and (8) respectively of Section 173, Cr.P.C., and to form an opinion whether to take cognizance or not to take cognizance against the respondent no.1 after considering

the objections, if any, of the complainant, namely, the appellant.

13. Section 482 of the Cr.P.C. saves the inherent powers of the High Court to make such orders as may be necessary to give effect to any order under the Code or to prevent abuse of the process of any court or otherwise to secure the ends of justice. It has been held by this Court in R.P. Kapur v. State of Punjab [AIR 1960 SC 866] that Section 561-A of the Criminal Procedure Code, 1898 (which corresponds to Section 482 of the Criminal Procedure Code, 1973) saves the inherent power of the High Court to make such orders as may be necessary to give effect to any order under the Code or to prevent abuse of the process of any court or otherwise to secure the ends of justice and such inherent power cannot be exercised in regard to matters specifically covered by the other provisions of the Code and therefore where the Magistrate has not applied his mind under Section 190 of the Cr.P.C. to the merits of the reports and passed order, the High Court ought not to consider a request for quashing the proceedings. In the case of R. P. Kapur (supra) on 10.12.1958, M.L. Sethi lodged a First Information Report against R.P. Kapur and alleged that he and his mother-in-law had committed offences under Sections 420-109, 114 and 120B of the Indian Penal Code. R.P. Kapur moved the Punjab High Court under Section 561-A of the Code of Criminal Procedure for quashing the proceedings initiated by the First Information Report. When the petition of R.P. Kapur was pending in the High Court, the police report was submitted under Section 173, Cr.P.C. and the High Court held that no case had been made out for quashing the proceedings under Section 561-A of the Criminal Procedure Code, 1898 and dismissed the petition. R. P. Kapur carried an appeal by way of Special Leave to this Court and this Court dismissed the appeal for inter alia the following reasons:

“... In the present case the magistrate before whom the police report has been filed under S. 173 of the Code has yet not applied his mind to the merits of the said report and it may be assumed in favour of the appellant that his request for the quashing of the proceedings is not at the present stage covered by any specific provision of the Code. It is well established that the inherent jurisdiction of the High Court can be exercised to quash proceedings in a proper case either to prevent the abuse of the process of any court or otherwise to secure the ends of justice. Ordinarily, criminal proceedings instituted against an accused person must be tried under the provisions of the Code, and the High Court would be reluctant to interfere with the said proceedings at an interlocutory stage...”

As we have found in the present case that learned Magistrate had not applied his mind to the merits of the reports filed under Section 173, Cr.P.C., we are of the

considered opinion that the exercise of power by the High Court under Section 482, Cr.P.C., was at an interlocutory stage and was not warranted in the facts of this case."

9.4 Thus, as observed by Hon'ble Apex Court in the said decision, it is for the learned Magistrate to apply his judicial mind to the facts stated in the reports submitted under sub-sections (2) and (8) respectively of Section 173, Cr.P.C., and to form an opinion and the inherent power under Section 482 of the Code should, ordinarily, not be exercised in regard to matters specifically covered by the other provisions of the Code and therefore where the Magistrate has not applied his mind under Section 190 of the Cr.P.C. to the merits of the report, the High Court ought not to interfere the proceedings.

9.5 In present case, it is undisputed position that learned Magistrate has not considered the report and yet not applied mind to the merits of the report and that, therefore, this Court is of the view that in present case, in these cases, it would not be proper to exercise power under Section 482 of the Code at this stage. This is one of the major reasons in light of which this Court is of the view that the petitions do not deserve to be entertained at this stage.

Re: Other remedy after charge-sheet is filed:

9.6 The petitioners have preferred present petitions under Section 482 of the Code and prayed to quash the order dated 2.11.2010 and to quash the complaint. The petitions raise the question: when

the petitioners have substantive remedy under the Code whether these petitions under Section 482 of the Code should be entertained at this stage or the petitioners should approach learned trial Court with and by way of appropriate applications?

9.7 When question of exercising inherent power arises the Court would ordinarily, first pause and find out whether any specific provision providing remedy which can be invoked/availed by the litigant is prescribed under the Act or the Code, and if the Act or the Code offers / provides a remedy then the Court, would ordinarily refrain from exercising inherent and discretionary power. In many decisions Apex Court has observed that when other remedy is provided under the Code, then except in rare and compelling circumstances such remedy should be availed by the litigant and quick and easy resort to inherent power is not justified or proper. It is not that such exercise of power is always prohibited and is not available when other remedy is provided under the Code or the Act, but normally inherent power should not encroach upon or infringe or violate and march into the territory reserved or marked for specific/other remedy and inherent power should normally, be exercised sparingly and when other remedy is not available and substantial injustice or apparent abuse of process is caused. Exercise of power under Section 482 of the Code is disapproved by Apex Court when the accused persons have remedy under other provisions of the Code and when charge-sheet is filed.

9.8 So as to consider the said issue it would be appropriate to refer to the observations by the Apex Court as regards the extent and limitations of powers under Section 482 and exercise of the said power when charge-sheet is filed, was considered by the Hon'ble Apex Court as early as in 1980 in the decision in the matter between *Raj Kapoor v. State* [(1980) 1 SCC 43: (AIR 1980 SC 258)], wherein Hon'ble Apex Court observed that:

"Even so, a general principle pervades this branch of law when a specific provision is made: easy resort to inherent power is not right except under compelling circumstances. Not that there is absence of jurisdiction but that inherent power should not invade areas set apart for specific power under the same Code." (Emphasis supplied)

Thereafter, the aspect was again considered by Honble Apex Court in the decision in case between *Municipal Corporation of Delhi v. Ram Kishan Rohtagi* [(AIR 1983, SC 67)] wherein the Honble Apex Court observed that:

"6. It may be noticed that Section 482 of the present Code is the ad verbatim copy of Section 561-A of the old Code. This provision confers a separate and independent power on the High Court alone to pass orders *ex debito justitiae* in cases where grave and substantial injustice has been done or where the process of the Court has been seriously abused. It is not merely a revisional power meant to be exercised against the orders passed by subordinate Courts. It was under this section that in the old Code, the High Courts used to quash the proceedings or expunge uncalled for remarks against witnesses or other persons or subordinate Courts. Thus, the scope, ambit and range of Section 561-A (which is now Section 482) is quite different from the powers conferred by the present Code under the provisions of Section 397. It may be that in some cases there may be overlapping but such cases would be few and far between. It is well settled that the inherent powers under Section 482 of the present Code can be exercised only when no other remedy is available to the litigant and not where a specific remedy is provided by the statute.

Further, the power being an extraordinary one, it has to be exercised sparingly. If these considerations are kept in mind, there will be no inconsistency between Section 482 and 397(2) of the present Code." (Emphasis supplied)

Thus, Honble Apex Court clarified that the inherent power under Section 482 ought to be exercised in cases where grave and substantial injustice has been done and when any other remedy is not available to the litigant. The said aspect was emphasized by Honble Apex Court by further observing that the power ought not be exercised where a specific remedy is provided by the statute and that the power being an extraordinary one, it has to be exercised sparingly. In case between *Jagatsinh N. Soda v. I.R.Mehta* [2003 Vol.3 GLR 1849], this Court has observed that:

"It is well settled that inherent powers of the High/Court are to be used sparingly, and only when there is no other provision in the Code for redressal of the grievance of the aggrieved person."

9.9 In view of the above-quoted observations and having regard to the fact that substantive remedy under other provisions of the Code is available to the petitioners/accused persons, these petitions do not deserve to be entertained at this stage and the Court is not inclined to exercise inherent jurisdiction, more particularly when the entire material collected by the investigation officer is on the record before the learned trial Court along with the charge-sheet. In view of this Court in light of the fact of present case, it would not be proper to entertain these petitions and exercise inherent jurisdiction and the petitioners should, rather, take out appropriate

proceedings under appropriate provision under the Code since charge-sheet is filed.

Re: Absconding accused persons:

10. It is also relevant to note that in the impugned 4 cases/complaints, in all 8 persons have been impleaded as accused persons. It is claimed by the respondent company – complainant that out of 8 accused persons, one accused person died during the pendency of proceeding and one accused person has not preferred quashing petition and 4 accused persons (i.e. accused No.1, accused No.6, accused No.4 in M. Case No.6/2010, accused No.2 in M. Case No.5/2010), are absconding and have been declared 'absconding' and the learned trial Court has passed order / issued proclamation under Section 82 of the Code. In light of the said fact, learned advocate for the respondent company – complainant has contended that the petitions preferred by absconding persons and/or by the co-accused of absconding person, may not be entertained.

10.1 In view of this Court, there is substance in the submission and request by learned advocate for the respondent company – complainant. When out of 6-7 accused person as many as 4 accused persons are absconding and orders to that effect have been passed / proclamation under Section 82 of the Code are issued, this Court would not be inclined to exercise discretionary and inherent jurisdiction to entertain the petitions under Section 482 of the Code.

10.2 In view of this Court, it is not just and proper to exercise inherent and discretionary jurisdiction and quash the proceedings / complaints in favour of those accused persons who are declared 'absconding' or in favour of the co-accused of the accused who are declared to be absconding.

10.3 This Court is of the view that these petitions are not fit cases for exercising inherent and discretionary jurisdiction under Section 482 of the Code.

11. Moreover, in present case, there are specific allegations against the petitioners – accused persons. It has emerged from the material available on record and also from the submissions by learned advocates for the petitioners and the respondents that the alleged offence is said to have been committed with help of documents dated 16.12.2008 and 30.12.2008 and 25.4.2009 and 25.12.2009 which, according to the complainant – respondent company, are forged and fabricated. The complainant – respondent company also appears to have alleged that the signatures on the said documents are forged. Of course, in these petitions, the accused persons, i.e. petitioners have disputed and denied the said allegations. However, after investigation, the charge-sheet is filed. In these circumstances, in view of this Court, it would not be proper for this Court to enter into examination of the said documents and/or to examine veracity of the disputed documents

and to record any opinion, even any *prima facie* opinion, with reference to the said documents.

11.1 This Court, at this stage, and in present proceedings under Section 482 of the Code of Criminal Procedure, cannot analyze the allegations and/or cannot scrutinize the evidence. This Court also cannot examine or decide the veracity and genuineness of the documents and the Court also cannot enter into speculation as to whether the allegations and charge can be proved at the trial or not. Besides this, it would not be proper and permissible for the Court to record any opinion as regards the documents, other evidence and/or the allegations, more particularly when the details and material available before this Court is not complete and the facts are, therefore, hazy and entire material is available before the learned trial Court.

11.2 On this count, it would be appropriate to refer to the observations by Apex Court in the case between *State of Andhra Pradesh vs. Goloconda Linga Swamy and another* (AIR 2004 SC 3967) in paragraph 8 the Hon'ble Apex Court observed as follows:

"8. It would not be proper for the High Court to analyse the case of the complainant in the light of all probabilities in order to determine whether a conviction would be sustainable and on such premises, arrive at a conclusion that the proceedings are to be quashed."

11.3 Similarly, in the decision in case of *Zandu Pharmaceutical Works Ltd. vs. Mohd. Sarafulli* [(2005) 1 SCC 122], the Honble Apex Court observed that:

"10. When exercising jurisdiction under Section 482 of the Code, the High Court would not ordinarily embark upon an enquiry whether the evidence in question is reliable or not or whether on a reasonable appreciation of it accusation would not be sustained. That is the function of the trial Judge." (Emphasis supplied)

11.4 In view of this Court, the earlier mentioned aspects can be considered, examined and decided by the learned trial Court. This also is one of the reasons in view of which, the Court is not inclined to entertain the present petitions.

12. Furthermore, when there are allegations about veracity of relevant documents and it is alleged that the documents are forged and fabricated, this Court would not be justified in interfering with the proceedings and terminating the proceeding by exercising inherent jurisdiction under Section 482 of the Code and that too even before the said aspects are examined by the learned trial Court and appropriate evidence is placed before the Court. At this stage, it would not be possible or permissible for the Court to reach to and record any conclusion with regard to veracity of the said documents.

12.1 It is pertinent that the respondent – complainant company has claimed and contended that the resolutions on strength of which the other disputed documents are executed, have never been passed by the respondent company. In that view of the matter, it would not be proper and permissible for the Court to record any opinion or conclusion on the issues as to whether the resolutions were duly passed by the

respondent company – complainant or not.

12.2 In the present case, the accused persons have allegedly sold and/or mortgaged and/or put to impermissible use the lands in question which, according to the complainant, are properties of the respondent – complainant company. Thus, in present case, the allegation is that the accused persons, in conspiracy, mortgaged and/or sold the property in question knowing that the parcels of land in question do not belong to them but are of respondent company's ownership and that the alleged acts have been carried out with help of misrepresentation and with help of certain documents including resolutions (allegedly) passed by the respondent company, which are forged/fabricated (inasmuch as such resolutions have not been passed by the Board of the respondent company) and that shows their intention to cheat or to commit fraud and to fraudulently grab the properties of the of the company.

12.3 In this view of the matter, the Court is of the view that having regard to the facts of the case and in view of the fact that several issues related to the facts of the case, contents of the documents and execution of the documents and signatures thereon are involved in present case it would not be proper and justified for this Court to enter into the process of examining the documents and to reach and to record any conclusion as regards veracity and authenticity or otherwise of the disputed documents (including

resolutions allegedly passed by the respondent company and/or sale and/or alleged agreement to sell), more particularly because the entire material collected by the investigation officer during investigation is not available before the Court, whereas the said material is available on record before the learned trial Court and that, therefore, it would be appropriate and in fitness of things that the applicants may take out appropriate proceedings / application before the learned trial Court where the application can be considered and decided by the learned trial Court in light of the material available on record, more particularly the documents and other material submitted by the investigation officer along with the charge-sheet. On overall consideration of the facts, the circumstances and the nature of disputed issues, the Court is of the view that these are not fit cases, wherein the Court should exercise jurisdiction and quash the complaint, the charge-sheet and all subsequent proceedings in absence of any relevant material which may lead the Court to a legally sustainable conclusion.

12.4 In this context, useful reference may be made to the observations and guidelines prescribed by the Hon'ble Apex Court in a recent decision in the case between *Rajiv Thapar vs. Madan Lal Kapoor* [(2013) 3 SCC 330] which serve as beacon light for exercising powers under Section 482 of the Code in such cases. In the said decision, the Hon'ble Apex Court has also explained the steps and stages at which

and the manner in which the powers under Section 482 of the Code should be and should not be exercised. Hon'ble Apex Court has observed that:

"29. The issue being examined in the instant case is the jurisdiction of the High Court under Section 482 CrPC, if it chooses to quash the initiation of the prosecution against an accused at the stage of issuing process, or at the stage of committal, or even at the stage of framing of charges. These are all stages before the commencement of the actual trial. The same parameters would naturally be available for later stages as well. The power vested in the High Court under Section 482 CrPC, at the stages referred to hereinabove, would have far-reaching consequences inasmuch as it would negate the prosecution's case without allowing the prosecution/ complainant to lead evidence. Such a determination must always be rendered with caution, care and circumspection. To invoke its inherent jurisdiction under Section 482 CrPC the High Court has to be fully satisfied that the material produced by the accused is such that would lead to the conclusion that his/their defence is based on sound, reasonable, and indubitable facts; the material produced is such as would rule out and displace the assertions contained in the charges levelled against the accused; and the material produced is such as would clearly reject and overrule the veracity of the allegations contained in the accusations levelled by the prosecution/ complainant. It should be sufficient to rule out, reject and discard the accusations levelled by the prosecution / complainant, without the necessity of recording any evidence. For this the material relied upon by the defence should not have been refuted, or alternatively, cannot be justifiable refuted, being material of sterling impeccable quality. The material relied upon by the accused should be such as would persuade a reasonable person to dismiss and condemn the actual basis of the accusations as false. In such a situation, the judicial conscience of the High Court would persuade it to exercise its power under Section 482 CrPC to quash such criminal proceedings, for that would prevent abuse of process of the court, and secure the ends of justice.

30. Based on the factors canvassed in the foregoing paragraphs, we would delineate the following steps to determine the veracity of a prayer for quashment raised by an accused by invoking the power vested in the High Court under Section 482 CrPC:

30.1 Step one: whether the material relied upon by the accused is sound, reasonable, and indubitable i.e. the material is of sterling and impeccable quality?

30.2 Step two: whether the material relied upon by the accused would rule out the assertions contained in the charges levelled against the accused i.e. the material is sufficient to reject and overrule the factual assertions

contained in the complaint i.e. the material is such as would persuade a reasonable person to dismiss and condemn the factual basis of the accusations as false?

30.3 Step three: whether the material relied upon by the accused has not been refuted by the prosecution / complainant; and/or the material is such that it cannot be justifiably refuted by the prosecution / complainant?

30.4 Step four: whether proceeding with the trial would result in an abuse of process of the court, and would not serve the ends of justice?

30.5 If the answer to all the steps is in the affirmative, the judicial conscience of the High Court should persuade it to quash such criminal proceedings in exercise of power vested in it under Section 482 CrPC. Such exercise of power, besides doing justice to the accused, would save precious court time, which would otherwise be wasted in holding such a trial (as well as proceedings arising therefrom) specially when it is clear that the same would not conclude in the conviction of the accused."

12.5 When the said principles are applied in present case and this case is examined in light of the said observations, then it emerges that the accused persons have not placed any material on record of present petition which can be considered, as expressed by Hon'ble Apex Court, 'of sterling and impeccable quality'. The petitioners have not placed any material which would persuade the Court to dismiss the actual basis of the allegations and which would also persuade and convince the Court to exercise discretionary and inherent power under Section 482 of the Code to quash the complaints and the proceedings.

13. At this stage, it would be appropriate to address the two decisions on which the learned counsel for the petitioners relied.

13.1 In the decision in the case between *Mohammed*

Ibrahim & Ors. Vs. State of Bihar [(2009) 8 SCC 751], on which learned counsel for the petitioner has placed reliance, Hon'ble Apex Court has, in para 23 of the decision, observed and clarified that:

"23. When we say that execution of a sale deed by a person, purporting to convey a property which is not his, as his property, is not making a false document and therefore not forgery, we should not be understood as holding that such an act can never be a criminal offence. If a person sells a property knowing that it does not belong to him, and thereby defrauds the person who purchased the property, the person defrauded, that is, the purchaser, may complain that the vendor committed the fraudulent act of cheating. But a third party who is not the purchaser under the deed may not be able to make such complaint."

13.2 Hon'ble Apex Court has observed that in case where a person sells a property knowing that it does not belong to it and thereby defrauds the person who purchased the property, then the said person (i.e. the purchaser) is defrauded and such person may complain about fraudulent act of cheating. Taking a leaf from the said observation and clarification (and also from the observation that execution of sale deed by a person purporting to convey a property which is not his property cannot be said to have made false document, does not mean that such act would never amount to criminal offence), it can be said that the land owner of the land in question can claim / allege that fraudulent act in respect of his property is committed by the accused person. In present case, the respondents have also alleged that forged documents are used and misrepresentations have been made by accused persons for grabbing and disposing company's property with the knowledge that the

property in question is not theirs but of the company.

13.3 In the facts of present case, the said decision does not render assistance to the petitioners in claiming that the complaints and the proceedings should be quashed, by this Court in exercise of discretionary jurisdiction under Section 482 of the Code, even before the learned trial Court applies mind to the report submitted in pursuance of order dated 2.10.2010 and even before the learned trial Court examines the material on record.

13.4 The other decision on which learned counsel for the petitioner has placed reliance, i.e. decision by Hon'ble Apex Court in case between *S.K. Alag vs. State of U.P.* [(2008) 5 SCC 662]. It is relevant to mention that the petitioners relied on paragraph No.19 of the decision which addresses the issue about vicarious liability. In the facts of the case, the said decision will not help the petitioner in view of facts of present case inasmuch as not only the facts of present case are different from the set of facts in the cited decisions, but in present case, it *prima facie* appears at this stage, on perusal of the complaint which is placed on record, that the petitioner has made allegations against the accused persons and they are not impleaded merely on the basis of vicarious liability and that, therefore, it would not be proper and just, rather it would be premature, for the Court at this stage to grant the petitioner's request and quash the complaint and proceedings

against the accused persons when it *prima facie* does not appear that the accused persons have been impleaded merely on ground of vicarious liability.

14. From the impugned charge-sheet/s and the submissions by learned Senior Counsel and the learned Advocate for petitioner Corporation and the officer and by learned APP it has emerged that the complaint and charge-sheet against the petitioners lay out allegations:

(a) about forgery and concocted documents e.g. resolution allegedly passed by respondent company, document / agreement for depositing title deeds (creating charge / mortgage) allegedly executed by company, the alleged authorisation in favour of accused No.1;

(b) about grabbing complainant company's property (parcels of land in question) and disposing of or creating charge over the property in question with help of such forged and fabricated documents, despite and with the knowledge that the property in question do not belong to them but are of company's ownership;

(c) about selling the property of the complainant company with knowledge that it is company's property but claiming it to be their with help of disputed and allegedly forged documents and by alleged misrepresentation;

- (d) causing loss to the complainant by disposing and creating charge over the property in question with the help of such forged and fabricated documents and appropriate unto themselves the entire sale consideration and mortgage amount; and
- (e) about hatching conspiracy to grab company's property.

15. This Court, ordinarily, does not entertain petition under Section 482 for quashing the proceedings in cases where charge-sheet/s are filed and the petitioner has remedy available under the provisions of the Code, more so when charge-sheet is filed and there are several aspects and issues which deserve to be considered, examined and decided first by the learned trial Court in light of the material available on record of the case.

16. Now, whether the parcels of land in question were sold and/or mortgaged and/or charge was created on strength of allegedly forged documents or not, whether the documents are forged or not, who was involved in creating/forging of such documents etc. are the issues which can be, and deserve to be, examined by the learned trial Court in light of material (various documents, statements of concerned persons etc.) placed on record and after relevant evidence is considered by trial Court and not by this Court in a petition under Section 482 of the Code. Thus, this

Court would not be justified, at this stage and in present proceedings, in recording even *prima facie* conclusion and in quashing the charge-sheets and the pending proceedings on such presumption.

17. For the foregoing reasons and on overall consideration of the cases, this Court is of the view that the petitions are no fit cases for this Court to interfere at this stage in exercise of discretionary and inherent jurisdiction under Section 482 of the Code. Moreover, the petitioners have remedy available to file appropriate application and make appropriate request before the learned trial Court since charge-sheet is already filed.

18. Hence, this Court, is not inclined to or convinced to interfere in present cases at this stage and this Court is of the view that the petitioners ought to and may approach the learned trial Court with appropriate application at appropriate stage which would be considered by the learned trial Court on merits and in accordance with law and in light of the material available before it. At this stage, the petitions do not warrant interference and the Court is not inclined to accept the request to quash the impugned order dated 2.11.2010 and / or to quash the complaints.

18.1 Therefore, the petitions fail and are accordingly disposed of. Rule in all petitions is discharged. No costs.

It is further clarified that the observations made in present order are made only for the purpose of present order and the learned trial Court would not be influenced by the observations in present order either during the trial or if any application under the provisions of the Code is made by the petitioners and such applications and the respective cases will be decided independently in light of material available on record and in accordance with law.

At this stage, learned counsel for the petitioners submitted that the interim relief which is in operation may be extended for 6-8 weeks (considering the period of vacation) so as to enable the petitioners to approach Apex Court. Hence, having regard to the said request, it is clarified that the interim relief which is in operation, shall stand extended / shall continue till 30.11.2013.

(K.M.THAKER, J.)

Bharat