

# SUPREME COURT OF INDIA

Inspector of Police, Cbi

Vs.

B. Raja Gopal

(K Thomas and S Phukan JJ.)

21.01.2002

## ORDER

1. Leave granted.
2. When a trial was in progress and reached almost the penultimate stage, the High Court stepped in and quashed the criminal proceedings. The aggrieved state has come up with this appeal. The case involved offences under Sections 420, 468 and 471 IPC etc., on the allegation that Canara Bank was defrauded. One of the premise adopted by the High Court was that there was a compromise between the bank officials and the accused and the disputed amount found due from the accused had been paid later. Even assuming that the said stand of the accused is correct, that was not enough for quashing the criminal proceedings, perhaps that would have been a ground for pleading mitigation at the final stage.
3. Mr. Natarajan, learned senior counsel contends that even apart from the payment made, the accused is able to establish that there was neither any intention to cheat nor was there any act of forgery. These are matters for the trial court to reach when the final conclusion is made. We do not express any opinion on these aspects on merits.
4. Nonetheless, we are of the view that the premature quashment made by the High Court is not in accordance with law. We, therefore, allow this appeal and set aside the impugned judgment.
5. We direct the trial court to proceed with the trial, and complete the examination of the remaining witnesses. The case shall be disposed of as expeditiously as possible.