

SUPREME COURT OF INDIA

Naresh Gulia

Vs.

State of Delhi

Crl.A.No.1251 of 2008

(S.B. Sinha and Cyriac Joseph JJ.)

04.08.2008

ORDER

1. Despite service of notice, complainant has not appeared.
2. Leave granted.
3. Appellant is the son of Captain Tej Pal Singh. Admittedly, the complainant and the said Capt. Tej Pal Singh entered into an agreement on or about 31.12.1994 relating to construction and development of land by demolishing the existing structure and constructing a multi storeyed shopping complex. The said agreement fell through. A First Information Report No. 786 of 1995 was lodged, inter- alia, contending that the said agreement had been entered into by and between Daljit Kukreja and Capt. Tej Pal Singh and his son-Naresh Gulia.
4. A bare perusal of the said agreement shows that the appellant is not a party therein. He is not even a witness thereto.
5. Apart from the contention that both Capt. Tej Pal Singh and his son-Naresh Gulia were parties to the said agreement, no other allegation has been made. If there was a dis-honest intention on the part of the appellant, the same should have been alleged to have been existing on the same day of the entering into the agreement. If he is not a party to the agreement, the question of making any representation to the complainant with dishonest intention would not arise.
6. We, therefore, are of the opinion that the First Information Report as also the charge-sheet do not disclose commission of an offence under Section 420 of the Indian Penal Code. Furthermore, a Civil Suit has already been settled where a settlement was recorded. It is contended by the learned counsel appearing on behalf of the State of Delhi that the said settlement has also fallen through. If that be so, the complainant may have other remedies. No case has been made out to proceed against the appellant. Criminal proceedings as against the appellant are quashed. The appeal is allowed.