

CRIMINAL APPEAL NO. 1724 OF 2008
(Arising out of SLP (Crl.) No. 2526 of 2007)

.. APPELLANT

VS.

.. RESPONDENTS

ORDER

Leave granted.

The appeal is admitted.

On the facts and in the circumstances of the case, we are of the opinion that the ends of justice would be met if we issue the following directions:

1 A sum of rupees one lakh which has been deposited in the Registry of this Court will be paid to the respondent No.2 along with accrued interest thereon by a Demand Draft in favour of respondent No.2.

1 The appellant herein will pay an additional amount of Rs. 35,000/- only towards full and final settlement of all the dues and disputes between the parties to respondent No.2 by a Demand Draft within a period of three months from today. The appellant will file an undertaking duly sworn within a period of four weeks from today for the said purpose. A copy of such undertaking will be given to the learned counsel for respondent No.2. The amount will be paid to respondent No.2 after the undertaking is filed by the appellant.

1 The appellant will pay road tax for the period 2003-2004 and for the years 2006-2007 and 2007-2008 and onwards for the tractor. Respondent No.2 will pay road tax for the years 2004-2005 and 2005-2006.

(4)Once the payment is made, respondent No.2 will execute/get executed necessary documents for transfer of tractor in question in favour of the appellant before appropriate authorities.

In view of the above order and compliance with the directions, in our opinion criminal proceedings between the parties will not survive in the form of FIR No.188 of 2004 in Police Station Thakur Ganj for offence punishable under Secs.420, 406 and 379 of IPC and P.S.Case No. 200 of 2005 for offence punishable under Sec.420 and 406 IPC in Galgalia Police Station. All these cases will come to an end. The appellant has filed a Civil Suit against respondent No.2. The appellant will withdraw the said case.

In view of our order and the directions, the main matter is disposed of. The orders passed by the Trial Court as well as by the High Court do not survive and will have no effect.

The Criminal Appeal is disposed of accordingly.

(C.K. THAKKAR)J.

(D.K. JAIN)J.
New Delhi,
November 3, 2008.