

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO.1704 /2025
[@ SLP (CRL.) NO.2410/2024]

PUSHKAR JAMNERKAR

Appellant(s)

VERSUS

THE STATE OF TELANGANA & ORS.

Respondent(s)

O R D E R

Leave granted.

Comity of Courts is a principle well recognized throughout the world. The said principle has not only been duly recognized, but also reiterated by this Court time and again.

This is a case where the aforesaid principle has not only been violated, but an attempt has also been made by respondent No.2 to get over the arbitral award that was passed by a jurisdictional forum in London after affording an adequate opportunity of hearing to the parties concerned, by way of initiating criminal proceedings, after exhausting few other options.

The subject matter of the criminal complaint is with respect to a manuscript dated 17.05.2013 which led to an agreement *inter se* the parties. The arbitral proceedings had been initiated at the seat

of arbitration in London. Arguments had been heard preceded by the examination of the witnesses. On the admissibility, relevancy and proof pertaining to the document dated 17.05.2013, the Arbitral Tribunal heard the parties at length. Specific findings have been given by the Arbitral Tribunal on that aspect. The Arbitral Tribunal had noted that there was no allegation by the respondent No. 2 that the appellant had put markings on the aforesaid manuscript dishonestly.

Accordingly, an arbitral award was passed in favour of the appellants. In fact, three awards have been passed at different stages. The respondent No.2 made an abortive attempt by filing a claim petition before the Commercial Court at Dubai and an anti-suit injunction application was also filed at London. We have been informed that the claim petition filed at Dubai was withdrawn subsequently.

To give effect to the arbitral award passed in the favour of respondent No.3, an Enforcement Petition being OMP (EFA) (COMM) 4/2017 was filed before the High Court of Delhi and an interim order of injunction had been obtained against the respondent No.2 prohibiting it from transferring, alienating or encumbering any of its assets. Few days thereafter, a criminal complaint bearing C.C. No. 581 of 2017 had been filed invoking Section 200 of the

Code of Criminal Procedure, 1973 (hereinafter referred to as 'the Code'), notwithstanding the fact that the appellant is residing outside Hyderabad and without even complying with Section 202 of the Code, for the offences punishable under Sections 465, 468, 471 and 420 of the Indian Penal Code, 1860, on the file of the XIV Additional Chief Metropolitan Magistrate at Hyderabad. Alleging that the said initiation of the criminal complaint is a clear abuse of the process of law, the appellant invoked Section 482 of the Code to quash the criminal complaint and proceedings arising out of C.C. No. 581 of 2017.

Vide the impugned judgment, the petition under Section 482 of the Code was dismissed by the High Court holding that the contentions raised by the appellant will have to be decided at the time of trial.

Based on the aforesaid facts, the learned senior counsel appearing for the appellant and the respondent No.3 submitted that the facts, as noted by this Court, speak for themselves. This is nothing but a clear attempt to use the judicial process to circumvent the arbitral award passed by a competent forum. The arbitral award has become final *inter-se* the parties and the proceedings are pending at present before the Bombay High Court for its enforcement. Additionally, an application has also

been moved at the instance of the respondent No.2 seeking to stay the enforcement proceedings pending before the Bombay High Court, in view of the pendency of the present appeal before us. In such view of the matter, it is prayed that appropriate orders will have to be passed by setting aside the criminal proceedings initiated against the appellant and appropriate directions will have to be issued to the Bombay High Court to expedite the hearing in the pending enforcement proceedings.

Shri Avinash Desai, learned counsel appearing for the respondent No.2 submitted that the scope of arbitration proceedings is different from the complaint given and the criminal proceedings arising therefrom. Upon a perusal of the criminal complaint, it discloses a cognizable offence.

It is further submitted that it is not in dispute that the markings have been made in the manuscript dated 17.05.2013. As rightly held by the High Court, it is a matter for evidence that has to be considered by the jurisdictional Magistrate. Hence, there is no reason for interference with the impugned order.

We have considered the submissions made by the parties.

As aforesaid, the arbitral award has become final *inter-se* the parties. It is the duty of the Court not

only to accept the arbitral award passed by a forum having jurisdiction outside the country, but also to see to it that it is given effect to, unless law so prohibits.

At this juncture, we have no hesitation in reiterating that this is nothing but an abortive attempt being made by the respondent No.2 to ensure that the arbitral award is not given effect to. In other words, this is nothing but an abuse of the process of law. The very same document has been considered threadbare by the Arbitral Tribunal at London. On the said document, evidence has been led by both the sides. As against the evidence lead by respondent No.2, the evidence lead on behalf of the appellant and the respondent No.3 found favour with the Arbitral Tribunal.

By way of a criminal proceeding, the arbitral award passed cannot be interdicted or set aside. Considering the facts of the case, we have no hesitation in holding that the very criminal complaint at the instance of respondent No.2 is itself an abuse of the process of law and its continuance would cause further injustice to both the appellant and the respondent No.3.

In such view of the matter, the order passed by the High Court declining to exercise its jurisdiction by invoking Section 482 of the Code stands set aside

and consequently, the criminal complaint and criminal proceedings arising out of CC No.581 of 2017 pending before the XIV Additional Chief Metropolitan Magistrate, Hyderabad stand quashed.

We request the High Court to consider expediting the hearing of the petition filed for the enforcement of the arbitral award at the instance of the respondent No.3.

The appeal stands allowed accordingly.

Pending application(s), if any, shall also stand disposed of.

..... J.
[M.M. SUNDRESH]

..... J.
[RAJESH BINDAL]

NEW DELHI;
MARCH 26, 2025.

ITEM NO.18

COURT NO.8

SECTION II

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 (Crl.) No(s). 2410/2024

[Arising out of impugned final judgment and order dated 30-01-2024 in CRP No. 8530/2019 passed by the High Court for The State of Telangana at Hyderabad]

PUSHKAR JAMNERKAR

Petitioner(s)

VERSUS

THE STATE OF TELANGANA & ORS.

Respondent(s)

IA No. 244325/2024 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 68034/2024 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES

Date : 26-03-2025 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M.M. SUNDRESH
HON'BLE MR. JUSTICE RAJESH BINDAL

For Petitioner(s) Mr. Mukul Rohatgi, Sr. Adv.
Mr. Sidharth Luthra, Sr. Adv.
Mr. Omar Ahmad, Adv.
Mr. Ishan Gaur, Adv.
Mr. Vikram Shah, Adv.
Mr. Ritik Kumar Rath, Adv.
Mr. Tuhin Dey, Adv.
Ms. Kritika Khurana, Adv.
Ms. Ritika Gambhir Kohli, AOR

For Respondent(s) Ms. Devina Sehgal, AOR
Mr. S Uday Bhanu, Adv.

Mr. Avinash Desai, Sr. Adv.
Mr. Divyam Agarwal, Adv.
Mr. Ritesh Kumar, AOR

Mr. Sajan Poovayya, Sr. Adv.
Mrs. Sanjanthi Sajan Poovayya, Adv.
Mrs. Raksha Agarwal, Adv.
Mr. Prastut Mahesh Dalvi, Adv.
Ms. Vidhi Pankaj Thaker, AOR

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

Leave granted.

The appeal stands allowed in terms of the signed
order.

Pending application(s), if any, shall also stand
disposed of.

(ASHA SUNDRIYAL)
DEPUTY REGISTRAR

(POONAM VAID)
ASSISTANT REGISTRAR

[Signed order is placed on the file]