

Jay Shri Vs. The State Of Rajasthan

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Court : Supreme Court of India

Decided On : Jan-19-2024

Judge : Hon'Ble Mr. Justice Sanjiv Khanna Hon'Ble Mr. Justice Dipankar Datta

Appeal No. : Crl.A. No.-000330-000330 - 2024

Appellant : Jay Shri

Respondent : The State Of Rajasthan

Advocate for Pet/Ap. : SURYA KANT __

Judgement :

Non-Reportable 2024 INSC48IN THE SUPREME COURT OF INDIA CRIMINAL APPELLATE JURISDICTION CRIMINAL APPEAL No.OF2024(arising out of SLP(Crl.) No.14423 OF2023 JAY SHRI & ANR. APPELLANT(S) VERSUS STATE OF RAJASTHAN RESPONDENT(S)

ORDER

Leave granted. With the consent of the learned counsel for the parties, we have taken up the appeal for hearing. Right to file reply is waived. We have heard learned counsel for the parties, including counsel for the complainant/informant, who has filed an application seeking impleadment, which is allowed impleading him as respondent No.2 to the present appeal. Prima facie, in our opinion, mere breach of contract does not amount to an offence under Section 420 or Section

406 of the Indian Penal Code, 1860, unless fraudulent or dishonest intention is shown right at the beginning of the transaction.² This Court has time and again cautioned about converting purely civil disputes into criminal cases.¹ For short, IPC. ² Sarabjit Kaur v. State of Punjab and Another, (2023) 5 SCC360 CrI.A @ SLP(CrI.) No.14423/2023
¹ Non-Reportable into criminal cases.³ Any effort to settle civil disputes and claims, which do not involve any criminal offence, by applying pressure through criminal prosecution should be deprecated and discouraged.⁴ In view of the aforesaid position, we feel that the appellants - Jay Shri and Hitesh Kela have made out their case for grant of anticipatory bail. Accordingly, it is directed that in the event of the appellants - Jay Shri and Hitesh Kela being arrested in connection with First Information Report (FIR) No.0220/2022 dated 26.08.2022 registered with Police Station - Osian, District - Jodhpur Rural, Rajasthan for the offence(s) punishable under Sections 420 and 120B of the IPC, they shall be released on bail by the arresting/investigating officer or the trial court on terms and conditions to be fixed by the trial court. In addition, the appellants - Jay Shri and Hitesh Kela shall comply with the conditions mentioned in Section 438(2) of the Code of Criminal Procedure, 1973. Recording the aforesaid, the impugned judgment/order is set aside and the appeal is allowed. We clarify that the grant of anticipatory bail and the observations made in the present order will not be treated as an expression of opinion on the merits of the case. Further, this order will have no bearing whatsoever on any civil proceeding(s). ³ Indian Oil Corpn. v. NEPC India Ltd. and Others, (2006) 6 SCC736 Vijay Kumar Ghai and Others v. State of West Bengal and Others, (2022) 7 SCC124 ⁴ Indian Oil Corpn. v. NEPC India Ltd. and Others, (2006) 6 SCC736 para 13. CrI.A @ SLP(CrI.) No.14423/2023 ² Non-Reportable Pending application(s), if any, shall stand disposed of.J.

(SANJIV KHANNA)J.

(DIPANKAR DATTA) NEW DELHI; JANUARY19 2024. CrI.A @ SLP(CrI.) No.14423/2023 ³

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