

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

256

CRM-M-17796-2019 (O&M)

Date of decision: 06.09.2019

Vishwas Vijaykumar Vijaypuri

..... Petitioner

Versus

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. S.K. Bhardwaj, Advocate for the petitioner.

Mr. Vikas Chopra, DAG, Haryana.

ANIL KSHETARPAL, J. (ORAL)

Although, repeated attempts to serve first informant (complainant) has failed, however, keeping in view the facts of the present case, it appears that the first informant is no more interested in prosecuting the case. As per the allegations made in the FIR, first informant was staying in a Lemon Tree Hotel and he left certain articles in the room of the hotel as noted in the FIR which are as under:-

“Apple Laptop adaptor, apple Laptop Charger, Apple laptop card, Asus Power bank, power bank cord, I phone headphone, ITB Hard Disk of W-D, Scandisk Pen drive.”

It is further averred that the pouch containing these articles was found by the house keeping staff and they submitted it to the reception. The staff at reception thinking that the pouch belongs to the petitioner who was also staying in the same hotel, handed over the same to him. However, it is alleged that when he was called on telephone to return the pouch, he refused to return back the articles.

Learned State counsel, on instructions from SI Rajinder Kumar, has submitted that all the articles have been returned to the Investigating Officer. The petitioner had never claimed these articles were stolen by the petitioner even as per the FIR. The only allegation against the petitioner is that when contacted on phone, refused to return the articles. Be that as it may. Once the articles have been returned, no useful purpose would be served to keep the FIR pending.

Accordingly, FIR No.351 dated 06.10.2018 registered under Section 406 of the Indian Penal Code, at Police Station Udyog Vihar, District Gurugram and the subsequent proceedings arising therefrom are ordered to be quashed, however, qua the petitioner only.

Resultantly, with the above-said observations made, the instant petition stands allowed.

06.09.2019
D.Bansal

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned	Yes / No
Whether Reportable	Yes / No