

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-36743-2019 (O&M)
Date of Order: 03.09.2019

Ashish Kumar

..Petitioner

Versus

State of Haryana and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. H.N.Sahu, Advocate, for the petitioner.
Mr. Anmol Malik, AAG, Haryana
Mr. Yash Pal Gupta, Advocate, for the complainant

ANIL KSHETARPAL, J(Oral)

Prayer in the petition is to quash FIR No.0179, dated 27.09.2017, registered under Sections 406/420/380/403/201 IPC and Section 66 of I.T. Act, 2000 (added later on), at Police Station Sector 53, District Gurugram.

As per the case of the prosecution, One Mobikwik is a mobile E-Wallet company and due to technical glitch in its software, certain persons including the petitioner misused the aforesaid glitch and transferred the amount more than his entitlement.

The amount which was transferred in excess of the entitlement has already been refunded. This fact is not disputed by respondent no.2-first informant.

While deciding CRM-M-50033-2017 on 17.08.2019, this fact was noticed, correctness whereof is not disputed by learned counsel for respondent no.2.

Keeping in view the aforesaid fact, learned counsels for the

parties jointly pray that since the entire payment has been refunded, therefore, the criminal case be quashed qua the petitioner.

Ordered accordingly.

September 03, 2019
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No