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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(CRL) 3180/2019**

TRIBHUWAN KRISHAN JOHARI

..... Petitioner

Through: Mr Vikram Singh and Mr Vijay
Singh, Advocates.

versus

STATE OF NCT OF DELHI & ANR

..... Respondents

Through: Ms Kamna Vohra, ASC for State.
SI Deep Chand, PS Vasant Vihar.
Mr Ravi Sachdeva and Mr Kisalay
Kartikey, Advocates for R-2.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **15.11.2019**

CRL.M.A. 40231/2019

1. Exemption is allowed, subject to all just exceptions.
2. The application stands disposed of.

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3. The petitioner has filed the present petition, *inter alia*, praying that FIR bearing No. 725/2016, under Section 409 of the IPC registered with PS Vasant Vihar and all proceedings emanating therefrom, be quashed.
4. The said FIR was registered at the instance of respondent no.2 (Hero Fincorp Ltd.). The Authorized Representative of respondent no.2 company is present in Court and is identified by the Investigating Officer. He states that respondent no.2 has since resolved all his disputes and differences with

the petitioner and does not wish to pursue the FIR in question.

5. The allegation against the petitioner was that he had removed relevant statutory documents of respondent no.2 from its office. At the material time, the petitioner was the Company Secretary of respondent no.2 and one of its principal officers.

6. Ms Vohra, learned ASC states that although the said FIR was registered under Section 409 of the IPC but the charge-sheet has been filed under Section 408 of the IPC because the petitioner was not a public servant.

7. The petitioner is present in Court and is identified by his counsel. He also states that he has no grievance against respondent no.2 company or any of its officers.

8. In view of the statements made on behalf of respondent no.2 and the petitioner, this Court considers it apposite to allow the present petition.

9. Accordingly, FIR bearing No. 725/2016, under Sections 409 of the IPC registered with Police Station Vasant Vihar and all proceedings emanating therefrom, are quashed

10. The concerned parties (petitioner and respondent no.2) shall sign this order as an acknowledgement of the statements recorded herein.

VIBHU BAKHRU, J

NOVEMBER 15, 2019/RK