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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-4040-2022

Date of decision: 16.03.2022

SWATI SHARMA

...Petitioner

Versus

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Surjit S. Swaich, Advocate
for the petitioner.

Mr. Pradeep Prakash Chahar, DAG, Haryana.

(Through Video Conferencing)

SURESHWAR THAKUR, J. (ORAL)

1. The petitioner herein one Swati Sharma, is alleged to be sharing a criminal intent or *mens-rea* alongwith her husband, who is alleged to after purportedly stealing data from the complainant company, to thereafter use it, to establish her/his company. The imputation of the relevant criminal *mens-rea* to the wife of the principal offender, arises from the factum of hers serving, as a Director, in the newly established company by her husband. The learned counsel for the petitioner has argued, that the afore factum does not enable the investigating officer concerned, to foist, upon the petitioner any criminal intent.

2. Be that as it may, during the course of arguments being made, upon the petition, the learned State counsel on instructions meted to him, by ASI Kuldeep Singh submits, that after completion of investigations into FIR bearing No.183 of 13.06.2021, registered at Police Station Sector-31, Faridabad, District Faridabad, the investigating officer concerned, though has filed an affirmative report under Section 173 of the Cr.P.C., before the learned Magistrate

concerned, however, the incriminatory role assigned therein is only vis-a-vis the husband of the petitioner, and, that the petitioner herein is, at this stage, exculpated from the incriminatory imputations, as made against her, in the FIR (supra).

3. In the wake of the above, the learned counsel for the petitioner seeks leave of this Court to withdraw the petition. Leave granted.

4. The petition is dismissed as becoming rendered infructuous.

5. However, if at an appropriate stage the petitioner becomes aggrieved, thereupon further liberty is reserved to the petitioner to re-access appropriate Courts in accordance with law.

16.03.2022

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(SURESHWAR THAKUR)
JUDGE

Whether speaking/reasoned:-
Whether reportable:

Yes/No
Yes/No