

CRM-M-24515-2023

2023:PHHC:078608

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123 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-24515-2023

DATE OF DECISION:-30.05.2023

Vivek Khushlani and others

...Petitioners.

Vs.

State of Haryana and another

...Respondents..

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Chetan Mittal, Senior Advocate with
Mr. Dinesh Arora, Advocate and
Mr. Vikas Thakur, Advocate,
for the petitioners.

Mr. R.K. Ambavta, AAG, Haryana.

HARKESH MANUJA, J. (Oral)

1. By way of present petition filed under Section 482 Cr.P.C., prayer has been made for quashing of order dated 27.06.2022 passed by learned Duty Magistrate, Gurugram while exercising power under Section 156(3) Cr.P.C., directed the concerned SHO for registration of the FIR against the petitioners, besides even seeking quashing of FIR No.182 dated 29.06.2022, under Sections 406, 420 and 120-B IPC, Police Station Bhondsi, District Gurugram registered in pursuance thereof.

2. Upon advance notice, today, learned State counsel has filed status report by way of affidavit of Kapil Ahlawat, Assistant Commissioner of Police, Old Gurugram, wherein, it has been mentioned that during investigation even the complainant has not been found interested in pursuing the present FIR. Moreover, the investigating agency has not even found any evidence as regards the commission of offence under Sections

406, 420 and 120-B IPC. Relevant paras 4 to 7 of the aforesaid status report are reproduced hereunder for reference:-

“4. That during investigation, it came forth that a letter dated 07.11.2022 was submitted at the office of the Commissioner of Police, Gurugram by the complainant company to drop the proceedings against the accused persons, on the basis that after the registration of the present case, it was unanimously decided between the Directors of the company that the company is no more willing to pursue the present complaint against Mr. H.L. Kushlani. The company, its Directors or anyone concerning the company, have no objection if the present case is cancelled or the proceedings are permanently dropped against the persons named in the FIR, and thereby, the complainant company requested to drop the proceedings against the accused persons.

5. That on 07.02.2023, the accused company produced the representation along with relevant record, which were taken into police possession. On 14.04.2023, accused H.L. Khushlani was enquired.

6. That during the course of investigation conducted till now, no evidence of the offence under Section 420, 406 and 120-B IPC has come forth.

7. That as no evidence has come forth in the present matter, thus the matter may be proceeded towards cancellation of FIR. Thus, the present petition may kindly be decided in view of the above facts and circumstances.”

3. In addition, learned State counsel on instructions from ASI Rajvir, EOW-1, Gurugram, who is present in Court, informs that the investigating agency is proceeding towards filing of cancellation report before the Illaqa Magistrate and the same would be presented within a period of 6 weeks from today.

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4. In view of the aforesaid, the present petition is disposed of with the direction to the Investigating Agency to conclude the investigation and present the final report before the Illaqa Magistrate as per the term of its aforementioned status report, preferably within a period of 6 weeks from today.

5. However, in case, there is an inordinate delay on the part of the investigating agency in compliance of the aforesaid order, the petitioners shall be at liberty to seek restoration of the present petition.

30.05.2023
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(HARKESH MANUJA)
JUDGE

whether speaking/reasoned: Yes/No
whether reportable: Yes/No