

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

252

CRM-M-34720-2019 (O&M)
Date of decision: 12.01.2023

BHARAT BHUSHAN

....Petitioner(s)

Versus

STATE OF HARYANA AND ANR

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. R.S. Virk, Advocate
for the petitioner.

Ms. Aditi Girdhar, AAG Haryana.

AMAN CHAUDHARY. J.

Present petition has been filed for quashing the impugned FIR No.367 dated 12.07.2019 under Sections 406 and 420 IPC registered at Police Station City Fatehabad and all subsequent proceedings arising therefrom.

Notice of motion in this case was issued on 06.09.2019, pursuant thereto reply by way of affidavit of Dharambir Singh, HPS, Deputy Superintendent of Police, HQ, Fatehabad has been filed. Learned State counsel makes a reference to paras 5 and 6 thereof, which read thus:-

“5. That during the course of investigation, respondent no. 2 produced one affidavit dated 28/01/2020 in which respondent no. 2 alleged that on 31/10/2019, amount of Rs. 7,40,000/- has been returned by Bank of Maharashtra and respondent no. 2 alleged that respondent no. 2 does not want to proceed in relation to abovementioned F.I.R. anymore. True translated copy of affidavit furnished by respondent no. 2 is annexed as Annexure R-1 for the kind consideration of this Hon'ble High Court.

6. That dispute involved in the abovementioned F.I.R. is related to recovery of Rs. 7,40,000/- and amount of Rs. 7,40,000/- has been credited back in the account of respondent

No.2 and respondent No.2 has submitted the affidavit (Annexure R-1) to the investigating officer.”

Even in the notice of motion order, it was stated by the learned counsel for the petitioner that he did not dispute that the amount of Rs.7,40,000/- had come into his account by mistake of the complainant and bank and that he had already informed the bank in this regard while requesting that the money be reverted to the lawful owner.

Learned State counsel on instructions from ASI Ved Pal submits that in view of the affidavit filed by the complainant, Annexure R-1 to the effect that he did not want to further proceed in the matter as the amount in question has been returned in his bank account, cancellation of FIR has already been prepared and is in the process of filing after due approval. She submits that in view of the above, the present petition has become infructuous.

Faced with this, learned counsel for the petitioner prays for withdrawal of the petition.

Prayer is accepted.

Dismissed as withdrawn.

(AMAN CHAUDHARY)
JUDGE

January 12, 2023

S.Sharma(syr)

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