

RAVINDER ZUTSHI AND OTHERS

... Petitioners

Versus

STATE OF HARYANA

...Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present:- Mr. Gurmohan Singh Bedi, Advocate
for the petitioners.

Mr. Deepak Grewal, DAG, Haryana.

SUDHIR MITTAL, J. (Oral)

The present petition is for quashing of FIR No. 449 dated 13.07.2021 registered under Section 174-A IPC at Police Station Shivaji Nagar, Gurugram.

Learned counsel for the petitioners submits that the aforementioned FIR came to be registered on account of declaration of the petitioner as proclaimed person in a complaint under Section 138 Negotiable Instruments Act, 1881. The said order has been withdrawn vide order dated 10.09.2021 whereby the complaint itself was also withdrawn and thus, continuation of proceedings of the aforementioned FIR would not be justified.

Learned State counsel submits that the FIR cannot be quashed merely on account of withdrawal of the complaint. Offence already stands committed and withdrawal of the complaint would not amount to the offence becoming non-existent.

From the submissions made by the learned counsel for the parties as well as from the record it is evident that not only the main complaint is withdrawn even the order dated 02.07.2021 declaring the petitioners as proclaimed persons has also been recalled.

Thus, the basis of registration of the aforementioned FIR has ceased to exist and continuation with the same would amount to oppression.

In view of the above, the petition is allowed and FIR No. 449 dated 13.07.2021 registered under Section 174-A IPC at Police Station Shivaji Nagar, Gurugram and all the subsequent proceedings thereof are hereby quashed qua the petitioners.

25.01.2023
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(SUDHIR MITTAL)
JUDGE

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No