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

+ **W.P.(CRL) 3287/2024 & CRL.M.A. 31727/2024**

AASHITA MALHOTRA

.....Petitioner

Through: Mr. Ashutosh Dubey, Mr. Abhishek Chauhan and Mr. Amit P Shahi,
Advocates

versus

THE STATE NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Sanjeev Bhandari, ASC for State with Mr. Arjit Sharma, Mr. Nikunj Bindal, Advocates
S.H.O. Ravinder Tyagi, P.S.: R.K. Puram

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **10.01.2025**

1. This petition is filed under Article 226 of the Constitution of India seeking quashing of the order dated 07.03.2024 passed in Cr. Cases No. 53111 of 2016 arising out of FIR No. 212/2012, registered at Police Station R.K. Puram, Delhi. Vide the impugned order dated 07.03.2024 the Trial Court declared the Petitioner herein a proclaimed offender.
2. It is stated in the petition that the High Court vide order dated 21.07.2017 passed in Crl. M.C. No. 4601/2015 has quashed FIR No. 212/2012 and therefore the proceedings which continued before the Trial Court thereafter, were without any jurisdiction.
3. Mr. Sanjeev Bhandari appears, learned ASC submits that the State has verified the submissions made in the petition and confirms that the same are



correct. He fairly states that the subsequent proceedings before the Trial Court were erroneous.

4. In addition, learned counsel for the Petitioner states that a certified copy of the order dated 21.07.2017 passed in CrI. M.C. No. 4601/2015 by the High Court is being e-filed on record and the original of the certified copy has been handed over to the counsel for the State.

5. In view of the aforesaid submissions of the parties, it is apparent that the proceedings held before the trial Court in Cr. Cases No. 53111 of 2016 (State Vs Aashita Malhotra Talreja) after the quashing of the FIR No. 212/2012 on 21.07.2017 was without any jurisdiction. The Petitioner is thus entitled to the relief sought in the present petition.

6. Accordingly, the petition is allowed in terms of prayer (a) which reads as under:

“a) Quash the order dated 7.3.2024 passed in Cr. Cases No. 53111 of 2016 (State Vs Aashita Malhotra Talreja) by the Ld. ACMM-02, New Delhi, Patiala House Courts arising out of FIR No. 212/2012, P.S. R.K. Puram and proceedings arising therefrom in view of order dated 21.7.2017 passed in CrI. M.C No. 4601/2015”

7. The order dated 07.03.2024 passed in Cr. Cases No. 53111 of 2016 (State Vs Aashita Malhotra Talreja) is hereby quashed.

8. With the aforesaid directions, the petition is allowed.

9. Pending application if any stands disposed of.

10. Precious judicial time and public expense has been wastefully incurred in continuation of the proceedings before the Trial Court in Cr. Cases No. 53111 of 2016 (State Vs Aashita Malhotra Talreja). The Station House Officer (SHO) is directed to examine this issue and fix the responsibility of the concerned officer, who failed to record the fact of



quashing of the FIR in the police station records, leading to these wasteful proceedings. The report of the inquiry be sent to this Court within one (1) month.

11. The Station House Officer (SHO) who is present in Court will ensure that the quashing of the order dated 07.03.2024 is duly communicated to the Trial Court.

12. Copy of the order be communicated to the Trial Court for its record.

13. The digitally signed copy of this order, duly uploaded on the official website of the Delhi High Court, www.delhihighcourt.nic.in, shall be treated as a certified copy of the order for the purpose of ensuring compliance. No physical copy of order shall be insisted by any authority/entity or litigant.

JANUARY 10, 2025/mt/sk

MANMEET PRITAM SINGH ARORA, J

Click here to check corrigendum, if any