

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

Criminal Appeal No.670/2017

(@Petition(s) for Special Leave to Appeal (Crl.) No(s).1666/2017)

LOVELY SALHOTRA AND ANR

Appellant(s)

VERSUS

STATE NCT OF DELHI AND ANR

Respondent(s)

O R D E R

Leave granted.

We have heard the learned counsel appearing for the appellants and the learned counsel appearing for Respondent No.2 at length today.

We have seen the order so passed by the High Court of Delhi on 19th December, 2016 whereby it has rejected the application of the appellants - herein filed by them under Criminal Writ Jurisdiction under Article 226 of the Constitution of India, for quashing the First Information Report No.520/2015, Police Station Mianwali Nagar, West Delhi registered under Sections 420/494/506 and 34 of the Indian Penal Code and further proceedings emanating therefrom.

We have taken into account the facts of the matter in question as it appears to us that no cognizable offence is made out against the appellants - herein. The High Court was wrong in holding that the F.I.R. cannot be quashed in part and it ought to have appreciated the fact that the appellants - herein cannot be allowed to suffer on the basis of the complaint filed by Respondent No.2 - herein only on the ground that the investigation against co-accused is still pending. It is pertinent to note that the learned Magistrate has opined that no offence is made out against co-accused Nos. 2, 3, 4 and 6 *prima facie*.

According to us, the F.I.R. in question filed against the appellants - herein by Respondent No.2 is only an after-thought with the sole intention to pressurize the appellants not to prosecute their Criminal Complaint filed by them under Section 138 of the Negotiable Instruments Act, 1881.

Accordingly, we find that the order so passed by the High Court is not sustainable in the eyes of law and deserves to be set aside.

Accordingly, we set aside the said order of the High Court and quash the F.I.R. qua the appellants - herein.

The appeal is allowed in the afore-stated terms.

.....J
(PINAKE CHANDRA GHOSE)

.....J
(ROHINTON FALI NARIMAN)

NEW DELHI;
10TH APRIL, 2017.

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No(s). 1666/2017

(Arising out of impugned final judgment and order dated 19/12/2016 in WPCRL No. 1724/2016 passed by the High Court of Delhi at New Delhi)

LOVELY SALHOTRA AND ANR

Petitioner(s)

VERSUS

STATE NCT OF DELHI AND ANR

Respondent(s)

(With appln.(s) for exemption from filing c/c of the impugned Judgment and interim relief and office report)

Date: 10/04/2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE PINAKI CHANDRA GHOSE
HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN

For Petitioner(s)

Mr. Kaushal Yadav, Adv.
Dr. Ajay Kumar, Adv.
Mr. Nand Lal Kumar Mishra, Adv.
Mr. Ram Kishor Singh Yadav, AOR

For Respondent(s)

Ms. Manju Jetley, AOR

Ms. Pinky Anand, ASG
Mr. Avdhesh Kr. Singh, Adv.
Ms. Saudamini Sharma, Adv.
Mr. S.A. Siddiqui, Adv.
Mr. Satya Siddiqui, Adv.
Mr. B.K. Prasad, AOR

UPON hearing the counsel the Court made the following
O R D E R

Exemption allowed.

Leave granted.

The appeal is allowed in terms of the signed order.

(VISHAL ANAND)
COURT MASTER

(SNEH LATA SHARMA)
COURT MASTER

(Signed Order is placed on the file)

