





named in the FIR had been regularly receiving the paddy and making due payments. However, it is alleged that thereafter, the Managing Director of Bush Foods, namely Vir Karan Awasthi, abruptly stopped making payments to the complainant.

(b) The primary allegations in the FIR were directed against Bush Foods, which was named as the main accused, along with certain other private individuals. Present petitioners, however, were implicated on the ground that they had represented two Mauritius-based companies, i.e. Standard Chartered Private Equity (Mauritius) II Limited and Standard Chartered Private Equity (Mauritius) III Limited. These two companies had entered into an agreement with Bush Foods on 30.03.2011, pursuant to which they invested in the company and acquired 29% of its equity. As a result, the said companies became co-owners and shareholders of Bush Foods to the extent of 29% equity by virtue of the said agreement.

(c) Subsequently, by virtue of another agreement dated 09.03.2013, the aforesaid Mauritius-based companies sold their entire shareholding in Bush Foods and, from that date onwards, ceased to have any interest or connection with the said company. Furthermore, petitioners, being employees of Standard Chartered Bank, were deputed merely as Non-executive Nominee Directors for a limited period and had no active role in the day-to-day operations or management of Bush Foods. In view of this, any financial dispute that the complainant may have with Bush Foods for the period mentioned in the FIR cannot, in any



manner, be attributed to the petitioners so as to hold them liable for offences such as cheating or any other alleged criminal act.

(d) After investigation of the FIR, both petitioners were found innocent by the investigating agency, primarily on two grounds:- (i) they were merely non-executive nominee directors, and (ii) the two Mauritius-based companies they represented, had no connection with Bush Foods after 09.03.2013. The allegations of non-payment, as stated in the FIR, pertain to a period subsequent to this date.

Furthermore, the fact that the petitioners were found innocent was also acknowledged by the State-respondent, in its reply filed during an earlier round of the same litigation, thereby reinforcing that there was non-involvement in the alleged offences.

(e) In view of the stand taken in the reply, wherein the petitioners were found to be innocent, earlier the petition had been disposed of by this Court, vide order dated 28.11.2018. It was observed in the said order that no further action was required, though the trial Court was directed to take a decision expeditiously.

However, despite the observations of this Court, trial Court did not take any final decision in the matter. Meanwhile, owing to the continued mention of the petitioners' names in the FIR, particularly on digital portals and more significantly in the Inter-Operable Criminal Justice System (ICJS), they continued to be reflected as accused in the said FIR on the website of the Ministry of Home Affairs (Government of India).



(f) As a result, petitioners were constrained to file application i.e. CRM-7993-2020, seeking direction for compliance with the order dated 28.11.2018 or for passing any other appropriate orders. During the pendency of proceedings before this Court, the Investigating Officer also moved a discharge application, once again reiterating the stand of the State regarding the innocence of the petitioners. However, while deciding the said application, learned Chief Judicial Magistrate declined to pass any order under Section 169 Cr.P.C., observing that such an order could not be passed, as the accused were not under arrest.

(g) It is pertinent to note that the present quashing petition, i.e., CRM-M-4837-2018, had earlier been disposed of as infructuous, vide order dated 28.11.2018. However, upon the filing of a subsequent application i.e. CRM-7993-2020, in which the petitioners highlighting the difficulties continually faced by them, thus, the petition was restored to its original number by recalling the earlier order dated 28.11.2018.

In order to appreciate the hardship expressed by the petitioners and acknowledged by this Court in the recalling order dated 22.04.2024, the operative part of the said order is reproduced here under:-

*“6. Heard learned counsel for the parties and perused the paperbook.*

*7. It transpires that above FIR was registered against 12 persons on the basis of written information given by de facto complainant-Sunder Lal and briefly, the allegations are that accused were supplied paddy, but despite repeated requests, they failed to make the payment of Rs.6,86,00,462/-; thus, while hatching a criminal conspiracy with each other, all the accused have cheated de facto complainant as well as other victims. Also alleged that in case the demand is raised again, the complainant along with other victims shall face dire consequences.*



8. *The details of 12 persons against whom the above FIR was registered are as under:-*

1. *Parkash Radhey Shyam Mishra, S/o Radhey Shyam Misha, R/o 235 A Ist Floor Jijai Appartment, Chhatarpati Nagar, Ring Road, Nagpur, Police Station Partap Nagar, Nagpur (Maharashtra) presently residing at House No.96, Sector 15, Panchkula.*

2. *Manju Awasthy, W/o Vijay Kumar Awasthy, R/o 4, Rainey Park, Calcutta, presently residing at A 5/1, Basant Vihar, New Delhi.*

3. *Vikram Hari Awasthy, S/o Vijay Kumar Awasthy, R/o 4, Rainey Park, Calcutta, presently residing at A 5/1, Basant Vihar, New Delhi.*

4. *Vinod Sirohi, S/o Ramesh Sirohi, R/o House No.503, Aman Kaslay, Sector 4, Vaishali, Ghaziabad (U.P).*

5. *Namit Arora (applicant/petitioner), S/o Shri Kailash Chand Arora, R/o Flat No.202, 2nd Floor, Monika Cooperative Housing Society, Fazal Sobani, St. Colaba Wood HSE Road, Mumbai (Maharashtra).*

6. *Rahul Rai Surana (applicant/petitioner), S/o Pramod Chand Rai Surana, R/o House No.112/A, Atlas Apartments, J Mehta Road Malabar Hill, Mumbai (Maharashtra)*

7. *Veer Karan Awasthy, S/o Vijay Kumar Awasthy, R/o 16, Mayfare Apartments, 22 Shepherd Street, London SW1, United Kingdom.*

8. *Ritika Awasthy, W/o Veer Karan Awasthy, R/o 16, Mayfare Apartments, 22 Shepherd Street, London SW1, United Kingdom.*

9. *Vijay Kumar Awasthy (since deceased), S/o H.D.Awasthy, R/o 4, Rainey Park, Calcutta, presently residing at A 5/1, Basant Vihar, New Delhi.*

10. *Fadiel Joni, Bush Foods Overseas Company Office No.505/506, 5th Floor, DLF South Court, Saket, New Delhi, presently Post Box No.3290 Doha, NA Qatar.*

11. *Khalid Abdul Rehman, Bush Foods Overseas Company Office No.505/506, 5th Floor, DLF South Court, Saket, New Delhi,*



*presently Post Box No.25566 Doha, NA Qatar and*

*12. Nasir Mohammad, Bush Foods Overseas Company Office No.505/506, 5th Floor, DLF South Court, Saket, New Delhi, presently AL Rayan, Al Bo Sedra House No.4, Doha, NA Qatar.*

*8(i). Records reveal that Parkash Radhey Shyam Mishra (Sr. No.1) was arrested from Kolkata on 21.05.2017 and after completion of investigation, the report under Section 173(2) Cr.P.C. against him, was presented on 29.09.2017. Later on, he was charge-sheeted by learned CJM on 23.11.2022 for commission of offence(s) punishable under Sections 420, 406 & 506 IPC. As on today, aforesaid accused is facing trial and which is stated to be pending for prosecution evidence on 24.04.2024.*

*8(ii). Also discernible that Manju Awasthy & Vikram Hari Awasthy (Sr. Nos.2 and 3) were arrested on 31.07.2016 and report under Section 173(2) Cr.P.C. against them was presented on 29.09.2016. Later on, prosecution moved an application dated 04.11.2016 for further investigation and which was allowed by learned JMIC on the same very day i.e. 04.11.2016, thereby directing "re-investigation" from some Senior Officer. In compliance of aforesaid order, SIT was constituted and supplementary report under 173(8) Cr.P.C was presented on 05.03.2018, wherein, Manju Awasthy & Vikram Hari Awasthy were found innocent. Thereafter, an application for discharge of both the accused (Sr. Nos.2 & 3) was moved by prosecution on 19.02.2018, which was allowed by learned JMIC vide order dated 04.10.2021 and ultimately, both of them (Manju Awasthy & Vikram Hari Awasthy) were discharged. Still further, it transpires that on 16.02.2023, an application was moved by de facto complainant under Section 319 Cr.P.C. for summoning of aforesaid Manju Awasthy & Vikram Hari Awasthy as additional accused, and which is stated to be pending for 24.04.2024.*

*8(iii). Vinod Sirohi (Sr. No.4) is stated to have been found innocent, but his ultimate fate is not discernible from records.*

*8(iv) It is evident from records that against five accused, namely, Veer Karan Awasthy, Ritika Awasthy, Fadiel Joni, Khalid Abdul Rehman and Nasir Mohammad (Sr. Nos.7, 8, 10, 11 & 12 respectively),*



*Red Corner Notices were issued, but the final status of the same is/are not available.*

*8(v) Vijay Kumar (Sr. No.9) is stated to have died prior to registration of the FIR in question.*

*9. During the course of hearing, learned State counsel duly acknowledged that as per ICJS, the applicants/petitioners are shown as “accused” in the present FIR on the website of Ministry of Home Affairs, Government of India (for short, “HMA”). However, despite repeated asking by the Court, he is not able to justify such an entry, while showing the applicants/petitioners as “accused”, when no incriminating material is available against them. Thus, prima facie, while following such a course i.e. showing the applicants/petitioners as “accused” under ICJS, is without any legal basis. But at the same time, it cannot be ignored that there is no challenge to the entry so made under the ICJS by the MHA; nor the MHA is a party respondent to the petition; hence, while entertaining the present miscellaneous application, no definite opinion can be expressed in this regard.*

*10. Concededly, trial against co-accused Parkash Radhey Shyam Mishra is still going on and an application under Section 319 Cr.P.C has already been filed for summoning of Manju Awasthy & Vikram Hari Awasthy as additional accused; therefore, in such a scenario, it would be appropriate to restore the main petition and to decide on merits.*

*11. In view of the above, present application is partly allowed, to the extent that order dated 28.11.2018, is recalled; and main petition is ordered to be listed as per roster at its original number in the month of July, 2024.*

*12. Parties would be at liberty to supplement their pleadings, if so desire.”*

(h) On record, there is a reply dated 20.08.2024 in the form of an affidavit by Sushil Kumar, HPS DSP Karnal. Notably, the reply does not allege any involvement of the petitioners in the matter. In fact, paragraph No.4 of the preliminary submissions explicitly states that, following the investigation and verification conducted by SI Dalbir



Singh, petitioners and co-accused were found to be innocent. Furthermore, the final investigation report under Section 173(2) of the Cr.P.C. has been submitted before the Court after the completion of an impartial investigation.

(i) Narrowing down the issue, learned Senior Counsel for the petitioners submits that, on one hand, petitioners are neither accused in any criminal case, nor they are facing any proceedings before any investigating agency or Court of law, however, on the other hand, petitioners are still being portrayed as accused on digital portals under the ICJS, solely because the FIR in which their names are mentioned, remains active.

(j) It is further submitted that petitioners are placed in a helpless situation, having no legal recourse for the removal of their names from the contents or text of the FIR. There exists no specific rule or guideline empowering the investigating agency to delete the names of individuals, who, upon investigation, are not found to be involved or accused. As a result, unless the FIR is quashed in relation to the petitioners, their names will continue to appear on digital portals under the ICJS, inaccurately portraying them as accused in the present FIR. Hence, the petitioners pray for quashing of the proceedings to prevent further injustice.

(k) To substantiate his submissions, learned Senior Counsel for the petitioners places reliance on an earlier instance, wherein this Court dealt with a similar situation in *CRM-M-40912-2021*, decided on 27.07.2022, titled *Mr. Jyoti Sagar and another vs. State of Haryana and*



**others.** In that case, FIR was quashed despite the fact that petitioners had already been declared innocent during the course of investigation, after having been named in the FIR. Learned Senior counsel submits that the present case stands on similar footing and, therefore, merits similar relief.

(1) Taking note of the stand taken by the respondent–State in its reply regarding the FIR, as well as the observations recorded in the order dated 27.07.2022 passed in *CRM-M-40912-2021*, the Court held as under:-

*“9. In view of the categoric reply filed by the State, the continuation of the proceedings in furtherance of the present FIR would be nothing but an abuse of the process of the Court.*

*10. Thus, the present petition is allowed and the FIR No.210 dated 22.03.2021 under Sections 3, 7(i), 7(ii) and 10 of the Haryana Development and Regulation of Urban Areas Act, 1975 registered by the Haryana Police Citizen Services, Police Station Sector 10, Gurugram, Haryana (Annexure P-1) and all subsequent proceedings arising therefrom stand quashed qua the petitioners.*

*11. However, it is made clear that investigation/proceedings qua the other accused shall continue in accordance with law.”*

3. As already discussed above, with regard to the stand taken by the State, learned State counsel has little to add. However, he is unable to provide any explanation or suggest a viable solutions, regarding the steps to be taken in cases where innocent individuals, though named in the FIR, are subjected to unnecessary harassment.



4. This Court has thoroughly examined the entire record as referred to by learned Senior Counsel for the petitioners, and has also considered the submissions made by the respondent's counsel, and noticed that in a similar instance previously dealt with by this Court in CRM-M-40912-2021, vide order dated 27.07.2022, in the case of *Jyoti Sagar (supra)*, proceedings in the FIR against the petitioners therein were quashed.

5. In the light of the same, this Court concludes that continued inclusion of the petitioners' names in the impugned FIR amounts to undue harassment of individuals, who have already been declared innocent. Consequently, it is incumbent duty of the prosecution agency to issue appropriate instructions to all relevant administrative authorities under the control of the Government or semi-Government institutions, directing them to remove the names of the petitioners from all of their records, where they are shown '**as accused**' in the FIR.

6. Additionally, it is also observed that in such like private cases of financial/monetary disputes, where several persons have been named in the original complaint, **due diligence be applied by conducting some sort of pre-registration inquiry**, in accordance with law by some economic offences cell, dealing with such financial disputes between the private parties, prior to the finalization of the complaint, converting into the First Information Report/registration of criminal case.

7. Therefore, present petition is **allowed**, and FIR No.0031 dated 27.01.2016, under Sections 406/420/506/120-B of IPC, registered



at Police Station Butana, District Karnal, and all subsequent proceedings arising therefrom, stand quashed *qua* the petitioners, only.

However, it is clarified that proceedings, if any still continuing *qua* other accused, may continue, in accordance with law.

8. To prevent any unnecessary harassment to the petitioners, appropriate intimation regarding the present decision should be promptly communicated to the concerned authorities. This shall be done upon the petitioners' request in specific, with the purpose to remove their names as 'accused' in connection with the present case, from any Government or non-Government records.

9. With the observations and directions passed here above, present petition stands disposed of.

**(SANJAY VASHISTH)**  
**JUDGE**

**28.05.2025**

*Lavisha*

*Whether speaking/reasoned*      *Yes/No*

*Whether reportable*              *Yes/No*