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

+ CRL.M.C.2394/2011

NEERU AGNIHOTRI & ANR.

..... Petitioners

Through: None.

versus

STATE & ORS

..... Respondent

Through: Ms.Ritu Gauba, APP.

Mr.M.S.Yadav, Advocate for R-2
to R-5.

CORAM:

HON'BLE MR. JUSTICE V.K. SHALI

ORDER

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21.11.2011

1. The matter was taken up in the forenoon and Mr. Pramod Ahuja learned counsel for the petitioners had made submissions.
2. After hearing the submissions of the learned counsel for the petitioners the Court had expressed that the present petition for quashing of FIR No.442/2010, u/s 341/323/354/506/34 IPC, in respect of which charge-sheet is pending in the Court of Ms. Priya Mahendra, the learned Metropolitan Magistrate, Saket, Delhi, was not maintainable on account of the fact that the petitioners were praying for quashing of FIR on the ground that no incident has taken place. This was a disputed question of fact which could be decided only after the parties

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were permitted to adduce evidence. The grievance of the learned counsel was that no FIR was registered on the basis of the complaint of the petitioner.

3. The matter was got passed over in order to seek instructions regarding withdrawal. It is again taken up at 3:25 PM and there is no appearance on behalf of the petitioners. Since the present petition is raising a disputed question of facts, therefore, in my view the petition is totally misconceived, the same is dismissed.



V.K. SHALI, J

NOVEMBER 21, 2011

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