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

+ W.P.(CRL) 1497/2011 & CrI. M.A. No. 12875/2011 (Stay)

RAGHUBIR SINGH Petitioner

Through: Mr. U.K. Shandilya, Advocate.
versus

STATE Respondent

Through: Mr. Nikhil A. Menon, Advocate for
Mr. Dayan Krishnan, Additional
Standing Counsel with Inspector
Mukhtiar Singh, PS DBG Road.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

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03.11.2011

By this petition the Petitioner seeks quashing of the order dated 6th May, 2022 whereby the cancellation report was accepted by the learned CMM without even issuing notice to the Complainant. The other grievance of the Petitioner is that though the order under Section 156 (3) Cr.P.C for registration of the FIR was passed by the learned Metropolitan Magistrate and the matter was pending awaiting the report of the investigation before the learned Metropolitan Magistrate for 29th April, 2011, the cancellation report was filed before the learned CMM who accepted the same on 27th April, 2011 without issuance of notice to the Complainant/ Petitioner. The

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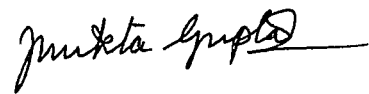
grievance of the Petitioner is wholly justified in case no notice has been issued to him before accepting the cancellation report. However, since a revision lies against the impugned order before the learned Additional Sessions Judge it would be appropriate to file a petition before the Court of first instance.

In view of the fact that a revision petition is maintainable before the learned Additional Sessions Judge, learned counsel for the Petitioner seeks leave to withdraw the present petition with liberty to file the petition before the learned Additional Sessions Judge.

Leave and liberty granted.

Petition and application are dismissed as withdrawn.

Order dasti.



MUKTA GUPTA, J.

NOVEMBER 03, 2011

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