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

+ W.P.(CRL) 444/2016

N.K. RAWAT

..... Petitioner

Through: Mr.Aditya Malhotra, Advocate.

versus

ICICI BANK LTD. & ORS

..... Respondents

Through: Mr.Hemant Gupta, Advocate for R-1.
Mr.Bhoumik Nayyar, Advocate for
R-2 to R-8.

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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11.02.2016

1. The petitioner has invoked the extra ordinary jurisdiction of this Court under Articles 226 and 227 of the Constitution of India with the following prayers:-

- (i) to quash the order dated 14.12.2015, passed by learned Chief Metropolitan Magistrate in MCA No.103/2014, alongwith all actions taken and orders/notices issued in pursuance to the order dated 14.12.2015.
- (ii) to quash the notice dated 25.01.2016 issued by the Receiver appointed by learned CMM.

2. Learned counsel for the petitioner submits that after the objections filed by the petitioner had been dismissed by the learned CMM vide order dated 14.12.2015, a Receiver was appointed. The Receiver has issued a notice dated 25.01.2016 (Annexure-P2) whereby he has directed the

petitioner to handover the property in question on 12.02.2016 at 11.30 am positively, failing which the possession will be taken in his absence as per law.

3. On behalf of ICICI Bank/respondent No.1, Mr.Hemant Gupta, Advocate has submitted that after filing of this petition, settlement has taken place with the principal borrower. The copy of the MOU has also been placed on record. Learned counsel for the ICICI Bank/respondent No.1 has further submitted that since the principal borrower has entered into a settlement agreeing to abide by the terms and conditions of the settlement recorded in the MOU, the bank (ICICI Bank) will instruct the Receiver not to proceed further in the matter. Learned counsel for the respondent No.1 has also informed that the Receiver was appointed at the instance of the ICICI Bank and necessary instructions to the Receiver not to proceed with the taking over of the possession of the property has been given.

4. In view of the submissions made above by learned counsel for the respondent No.1/ICICI Bank, learned counsel for the petitioner seeks permission to withdraw the present petition.

5. Accordingly, the writ petition is dismissed as withdrawn.

As prayed, copy of the order be given dasti to learned counsel for the parties.

Crl.M.A. No.2394/2016 (Stay)

Dismissed as infructuous.

PRATIBHA RANI, J.

FEBRUARY 11, 2016

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