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

+ CRL.M.C. 2896/2014

O P KATYAL

..... Petitioner

Through: Mr.Moinuddin Khan, Adv.

versus

K K G PROPERTIES PVT LTD & ANR

..... Respondent

Through: Mr.Vaibhav Dabas, Proxy Counsel
for Mr.Ashim Vachher, Adv.

CORAM:

HON'BLE MR. JUSTICE P.S.TEJI

ORDER

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29.03.2016

The present petition was disposed of infructuous vide order dated 09.02.2015 in the following terms.

“Learned counsel for petitioner seeks quashing of Criminal Complaint under Section 138 of Negotiable Instruments Act, 1881 in this petition on merits.

Upon notice, Mr.Pawash Piyush, Advocate appearing on behalf of Mr.Ashim Vachher, Advocate submits, on instructions, that the complaint in question will be withdrawn. While taking on record the aforesaid undertaking, this petition is disposed of as infructuous. In the event of respondents not withdrawing the complaint in question, petitioner would be at liberty to get this

petition revived.

Subsequently, the respondent No.1 filed an application being Crl.M.A.No.5381/2015 to the effect that the same only pertains to petitioner/accused No.4 and thus respondent No.1/complainant is only liable to withdraw the complaint in question qua petitioner/accused No.4 only and would be entitled to proceed with complaint qua other accused as impleaded in the complaint. The learned counsel for the petitioner submitted that the withdrawal was not to the satisfaction of the petitioner. The same was disposed of with a direction for revival of the petition and the application was accordingly disposed of.

During the course of submission, it has been observed that there is no ambiguity in the order dated 09.02.2015 and needs no clarification.

The learned counsel for respondent No.1, in fact, has stated that the complaint qua petitioner already stands withdrawn. Thus, nothing survives in the petition and the same accordingly stands disposed of.

P.S.TEJI, J

MARCH 29, 2016/dm