

\$~R-1

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

+ Crl. M.C. No. 3966/2014, Crl. M.A. No. 13601/2014, 9/2015

R.P. MALIK

..... Petitioner

Through: Mr.Rajan Chawla and
Ms.Nihita Mishra, Advs.

versus

STATE

..... Respondent

Through: Ms.Radhika Arora, Adv. for
Intervenor.
Mr.Izhar Ahmad, APP.

CORAM:

HON'BLE MR. JUSTICE P.S.TEJI

ORDER

%

07.10.2016

1. The learned counsel for the petitioner has submitted that the present petition has been filed under Section 482 Cr.P.C. seeking quashing of the summoning order dated 02.08.2014 whereby the learned CMM has ordered for summoning the petitioner as an accused in FIR No.401/2005 registered under Sections 379/409/120B IPC at Police Station: Anand Vihar, and all the consequent proceedings arising from the FIR in question.

2. The petition came up for hearing before this Court on 02.09.2014 when the proceedings before the Trial Court were directed

to be adjourned to any convenient date after 19.11.2014. Later, vide order dated 22.12.2014, the proceedings before the Trial Court were stayed.

3. The learned counsel for the petitioner has submitted at the Bar that during the proceedings before the Trial Court, the petitioner has expired on 24.08.2016 and a photocopy of the death certificate has been filed in this regard.

4. The learned counsel for the petitioner further submits that he has already moved an application before the Trial Court for dropping the proceedings against the petitioner as the same stand abated by virtue of the death of the petitioner (accused before the Trial Court).

5. The learned counsel for the petitioner further submits that he may be permitted to withdraw the present petition as the application for abatement of the proceedings on account of the death of the petitioner has already been moved before the Trial Court.

6. The present petition is accordingly dismissed as withdrawn.

P.S.TEJI, J

OCTOBER 07, 2016

dm