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

+ CRL.M.C. 2749/2015 & CRL.M.A.No.9835/15

ANIL SHARMA

..... Petitioner

Through : Mr.Sidharth Luthra, Sr.Advocate with
Rajiv Mohan, Mr.Gautam Khazanani
and Ms.Tara Narula, Advocates along
with petitioner present in person.

versus

STATE OF NCT OF DELHI & ANR

..... Respondents

Through : Mr.Rajesh Mahajan, ASC.
Mr.M.P.Singh with Ms.Ranjana
Rastogi Singh, Advocates for R-2
along with complainant present in
person.

CORAM:

HON'BLE MR. JUSTICE S.P.GARG

ORDER

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06.09.2016

Crl.M.A.No. 13893/16

1. Complainant along with his counsel is present in the court.
2. Learned counsel for the complainant, on instructions, has informed that application for withdrawal of the complaint case has since been filed before the Trial court. He further informs that the complainant has no intention to pursue the complaint case filed before the Trial Court. The complainant has no objection to the quashing of the proceedings.

CRL.M.C. 2749/2015

Page 1 of 2

3. Complaint case was filed by the complainant/respondent No.2. The learned Trial Court by its order dated 10.07.2015 under Section 156(3) Cr.P.C. directed the registration of the FIR. By an order dated 13.07.2015, the operation of the said order dated 10.07.2015 was stayed by this Court
4. Since the complainant intends not to pursue the complaint case and wishes to withdraw it, the present petition to challenge the legality and correctness of the order dated 10.07.2015 ordering registration of the FIR under Section 156(3) Cr.P.C. has become infructuous.
5. The complainant will be at liberty to withdraw the complaint case pending before the Trial Court as per law.
6. Since the complainant does not wish to pursue the complaint case, the impugned order dated 10.07.2015 ordering registration of the FIR shall not be executed or implemented.
7. In view of the above observations, learned Senior counsel for the petitioner seeks permission to withdraw the present petition. Accordingly, the petition is dismissed as withdrawn. All pending application(s) also stand disposed of.
8. The next date fixed for hearing i.e.26.09.2016 stands cancelled.

S.P.GARG, J.

SEPTEMBER 06, 2016/sa