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

+ **W.P.(CRL) 325/2017**

YOGESH KUMAR WADHWA

..... Petitioner

Through: Mr. Surender Tyagi, Advocate

versus

STATE (NCT OF DELHI) & ANR

..... Respondent

Through: Mr. R.S.Kundu, ASC
Mr. Neeraj Bhardwaj, Advocate for
R2

CORAM:
HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER
14.02.2017

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Status report is tendered in court and is taken on record.

The petitioner has preferred the present writ petition to seek the quashing of FIR No. 48/2016 registered at police station Subzi Mandi, under Section 420 IPC. This petition is premised on a settlement arrived at between the petitioner and the complainant.

The complainant claimed to have purchased an Iphone 7 plus 256 GB Gold mobile phone instrument from the petitioner on the platform of the co-accused Shopclues. com. The said phone was found to be not genuine by the complainant and, consequently, the FIR came to be registered. I may observe that though the petitioner has joined the investigation, information

with regard to the number of such like transactions undertaken by the petitioner has not been disclosed. The petitioner has not yet produced his account books and bank account statements wherein the sale proceed were being credited in respect of the sales made by the petitioner of the mobile instruments, including, through Shopclues.com.

In my view, the petition is highly pre-mature since there could be a large number of other people/victims who may have been similarly affected. The role played by Shopclues.com is also suspect, inasmuch, as Shopclues.com has invited the general public to purchase mobile phones on its platform being offered by vendors without caring to ensure that the merchandize offered is by authorized dealers and is genuine.

At this stage, counsel for the petitioner wishes to withdraw this petition. Dismissed as withdrawn.

VIPIN SANGHI, J

FEBRUARY 14, 2017

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