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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.M.C. 624/2017 and Crl.M.A.No.2676/2017 (stay)
AMISH GOEL & ANR

..... Petitioners

Through: Mr.G.Tushar Rao, Mr.Nitinjya
Chaudhary and Mr.Rajiv Trivedi,
Advocates.

versus

STATE & ORS

..... Respondents

Through: Mr.G.M.Farooqui, APP for State.

CORAM:
HON'BLE MR. JUSTICE I.S.MEHTA

ORDER
15.02.2017

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This is a petition under Section 482 Cr.P.C. filed on behalf of the petitioners against the summoning order dated 12.01.2016 passed by the Court of learned Metropolitan Magistrate, Saket Courts, New Delhi in CC No.3651/2015 titled Rajinder Kumar Jain (HUF) vs. Texture India & Another.

Learned counsel for the petitioners submits that the petitioner No.1 Amish Goel is not named in the complaint. He further submits that the named accused in the complaint as per the complainant is one Ankit Goel, who is alleged to be the Proprietor of the firm as per the original complaint filed by the complainant. He further submits that the Court below proceeded wrongly on the mistake of the counsel represented Amish Goel to be accused No.1 i.e. Texture India.

At this stage, counsel for the petitioners submits that since he has not

challenged the order dated 30th September, 2016, copy whereof has not been filed by him with the present petition and has been handed over today in court, in the present petition, he would like to withdraw the present petition with liberty to raise these issues before the concerned Trial Court and prays that the petitioners may be permitted to withdraw the present petition with liberty as aforesaid.

In view of the submission made by counsel for the petitioners, the prayer is allowed and the present petition and the stay application are dismissed as withdrawn with liberty to the petitioners to raise the issues raised in the present petition before the concerned Trial Court, after moving an appropriate application before the concerned Court, which shall proceed with the matter in accordance with law.

Copy of this order be given *dasti*, as prayed.

I.S.MEHTA, J

FEBRUARY 15, 2017

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