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

+ W.P.(CRL) 1277/2016

GAURANG KANTH & ANR

..... Petitioners

Represented by: Mr.Siddharth Agarwal, Ms.Shivani
Kher, Ms.Biji Rajesh and Ms.Rupali
Samuel, Advocates

versus

STATE (NCT OF DELHI) & ORS

..... Respondents

Represented by: Mr.R.S.Kundu, ASC for the State

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

% **07.02.2019**

Crl.M.A.No.2795/2019

1. By this petition, the petitioners seek revival of W.P.(Crl.) No.1277/2016 and Crl.M.A.No.6690/2016. By the writ petition, the petitioners had prayed for quashing of FIR No.255/2016 registered at PS Jamia Nagar for offences punishable under Sections 420/468/471/120-B/34 IPC. During the pendency of the writ petition, on the statement of learned Additional Standing Counsel for the State that a closure report has already been filed by the Investigating Officer before the Court of Competent Jurisdiction and hence the grievance of the petitioner is satisfied, the writ petition was disposed of with liberty to the petitioners in case the closure report is not accepted, it would be open to the petitioners to seek revival of

W.P.(CRL) 1277/2016

page 1 of 2

the petition at the appropriate stage.

2. Learned counsel for the petitioners has also pointed out to this Court the order dated 8th August, 2017 passed in Crl.M.C. No.781/2017 filed by respondent No.3 in the present writ petition who is the complainant of the abovenoted FIR. In the said order this Court noted consent of the respondent No.3 herein in para 3 that since the closure report is pending consideration, the respondent No.3 herein will file the protest petition expeditiously before court concerned. Learned counsel for the petitioners submits that despite having undertaken before this Court in the order dated 8th August, 2017 regarding filing the protest petition till date no protest petition has been filed by respondent No.3. Thus neither the closure report is being accepted by the learned Metropolitan Magistrate nor is the petitioners in a position to avail quashing of the abovenoted FIR.

3. Notice.

4. Learned ASC for the State accepts notice.

5. Notice be issued to respondent No.3/non-applicant on the petitioners/applicants taking steps through ordinary and dasti process, registered AD and speed post returnable on 26th March, 2019.

6. In the meantime, learned CMM South East District, Saket is directed to send a report before the next date of hearing as to why a final decision has not been taken on the closure report filed by the State till date.

7. Copy of this order be communicated to the learned Trial Court by the Registry.

MUKTA GUPTA, J.

FEBRUARY 07, 2019/mamta
W.P.(CRL) 1277/2016

page 2 of 2