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

+ **CRL.M.C. 1587/2017**

AKHIL SUDHIR CHOPRA AND ANOTHER Petitioners

Represented by: Ms. Rani Chhabra and Ms.
Neelam Kalsi, Advocates.

versus

STATE OF DELHI AND ANR Respondents

Represented by: Ms. Rajni Gupta, APP for the
State with SI Rajesh Kumar, PS
Begumpur.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

% **20.04.2017**

Crl. M.A. No. 6442-6443/2017 (Exemption)

Allowed, subject to all just exceptions.

CRL.M.C. 1587/2017 and Crl. M.A. No. 6441/2017 (Stay)

1. The main grievance of the learned counsel for the petitioners is that after the charge sheet has been filed, despite repeated summons the complainant is not appearing and the trial is protracting thereby harassing the petitioners as all the family members have been implicated by the complainant.

2. Learned counsel for the petitioners states that after taking an ex-parte divorce from the Family Court at Thane, Mumbai the whereabouts of the respondent No.2/complainant are not known.

3. Learned counsel for the petitioner seeks leave to withdraw the present petition and application with liberty to file an application before the learned

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Trial Court bringing to the notice of the learned Trial Court that despite repeated efforts the complainant is not appearing and thus appropriate orders be passed.

4. Leave and liberty granted.

5. Petition and application are dismissed as withdrawn. Needless to note that if despite repeated efforts the complainant/material witness of the prosecution is not available, it will for the learned Trial Court to pass appropriate orders on the statement of the prosecutor and see whether there is any further material to proceed in the trial

MUKTA GUPTA, J.

APRIL 20, 2017

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