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

+ **W.P.(CRL) 7/2017 & CrI. M.A. Nos.40-41/2017**

DEEPAK DUA

..... Petitioner

Through: Mr. Aman Lekhi, Sr. Adv. with Mr.
Gurpreet Singh, Adv.

versus

STATE (GOVT OF NCT OF DELHI) & ANR

..... Respondent

Through: Mr. Rajesh Mahajan, ASC with Mr.
Peeyush Bhatia, Adv. with SI Vinita
Yadav, PS Noida & SI Pinki Rana, PS
New Ashok Nagar

CORAM:
HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER
03.01.2017

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Issue notice. Notice is accepted on behalf of the State. The petitioner has preferred the present petition to seek the following substantive reliefs:

- i) pass necessary orders and directions thereby issuing a writ of mandamus by thereby transferring the investigation in FIR No.800/2016 dated 12.12.2016 registered at PS Sector-58, Noida, Distt. Gautam Budh Nagar, U.P. under section 354/323/506/506/427 IPC to Delhi to be investigated along with FIR No.571 of 2016, under Section 376D/506/34 IPC, PC New Ashok Nagar, New Delhi.

- ii) pass necessary orders and directions thereby issuing a writ of prohibition for restraining the respondent no.2 from proceeding in FIR No.800/2016 dated 12.12.2016 registered at PS Sector-58, Noida, Distt. Gautam Budh Nagar, U.P. under Section 354/323/504/427 IPC.
- iii) pass necessary orders and directions thereby holding that the registration of the FIR No.800/2016 dated 12.12.2016 registered at PS Sector-58, Noida, Distt. Gautam Budh Nagar, U.P. under section 354/323/506/506/427 IPC is an abuse of the process of law.
- iv) pass necessary orders and directions thereby holding that the FIR No.800/2016 dated 12.12.2016 registered at PS Sector-58, Noida, Distt. Gautam Budh Nagar, U.P. under section 354/323/506/506/427 IPC is registered against and in contravention to the principle of law.
- v) pass necessary orders and directions thereby quashing the FIR No.800/2016 dated 12.12.2016 registered at PS Sector-58, Noida, Distt. Gautam Budh Nagar, U.P. under section 354/323/506/506/427 IPC to Delhi.

During the course of arguments, Mr. Lekhi, on instructions, states that the petitioner shall seek the said reliefs by moving the Allahabad High Court and, therefore, seeks leave to withdraw the petition with liberty to move the said Court. However, he prays that the petitioner may be granted protection so that he may not be arrested as soon as he enters the State of U.P. and is able to effectively ventilate his rights before the Allahabad High Court.

Considering the aforesaid circumstances, it is directed that the petitioner may not be arrested in the FIR in question i.e. FIR No.800/2016 registered at PS Sector-58, Noida for a period of ten working days to enable

the petitioner to ventilate his rights before the Allahabad High Court.

The petition stands disposed of in the aforesaid terms.

Dasti.

VIPIN SANGHI, J

JANUARY 03, 2017

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