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

+ **CRL.M.C. 1395/2018**

SATENDER SINGH & ANR

..... Petitioners

Through **Mr. C.M. Sangwan, Adv.**

versus

THE STATE GOVT OF NCT OF DELHI

..... Respondent

Through **Mr. Mukesh Kumar, Addl. PP for the
State with SI Vikram
Mr. Chander M Lall, Sr. Adv. with
Mr. Prakash Kumar, Adv. for R-2
Mr. Ajay Singh and Mr. Mobin Aktar,
Advs. for Nerolac Paints ltd.
Mr. Ajay Singh and Mr. Himanshu
Yadav and Mr. Manoj Kumar, Advs.
for Hitech Corporation Ltd.**

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

% **16.05.2018**

1. The petitioner seeks quashing of order dated 28.11.2017 whereby the application seeking release/de-seal of the machineries and equipments releasing the same on Superdari to the petitioner has been rejected by the impugned order.

2. The trial court had dismissed the said application on the ground that the same is subject matter of the civil suit pending before High Court of Judicature at Bombay.

3. Learned Senior Counsel for the complainant points out that by

notice of motion (L) No. 592/2017 in Comm. Suit No. 515/2017 pending in the High Court of Judicature at Bombay, the complainant herein and plaintiff therein, had sought a prayer for a direction to be issued *inter alia* for making an inventory and sealing of the machineries being used by the petitioner. Learned counsel points out that by order dated 18.09.2017 of the High Court of Judicature at Bombay has noticed that the machineries of the petitioner along with the goods had been seized and noticing the fact that the same has been seized in the subject FIR No. 336/2017 no orders were passed in terms of prayer clauses of (d) & (e) of the interim application.

4. Learned Senior Counsel for the complainant submits that since the machineries are subject matter of the suit pending before the Bombay High Court, petitioner should seek appropriate orders/clarification from the Bombay High Court as to whether the machineries of the petitioner are covered by the interim order passed by the High Court of Bombay or not.

5. Learned counsel for the petitioner seeks leave to withdraw the petition, in the first instance, to approach the Bombay High Court, with liberty to thereafter approach this court if situation so warrants.

6. In view of the above, the petition is dismissed as withdrawn with liberty to the petitioner as prayed for.

SANJEEV SACHDEVA, J

MAY 16, 2018

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