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

+ **W.P.(CRL) 961/2017**

MEHBUB HUSSAIN

..... Petitioner

Represented by: **Mr. A.K. Singh and Ms. Ankita
Baluni, Advocates.**

versus

STATE OF NCT OF DELHI & ORS.

..... Respondents

Represented by: **Mr. Rajesh Mahajan, Additional
Standing Counsel for State with SI
Prakshit Arya, PS Preet Vihar.**

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

14.11.2018

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1. On 12th January, 2018 this Court passed the following orders:

By this petition the petitioner sought quashing of FIR No.241/2016 under Sections 420/34 IPC registered at PS Preet Vihar on the complaint of respondent No.2 on the ground that on the same allegations an FIR in Assam has already been registered.

On a notice being issued a status report has been filed as per which the above-noted FIR No.241/2016 registered at PS Preet Vihar has been transferred to PS Dispur, District Kamrup, Assam for investigation with the FIR registered therein. Though the relief prayed for by the petitioner no more subsists and the petition can be disposed of, however respondent No.2 who appear in person states that the two FIRs being distinct, levelling allegations for different transactions against different accused FIR No. 241/2016 could not have been transferred to Dispur.

Learned Additional Standing Counsel for the State would place on record the FIR registered at Dispur, District Kamrup, Assam on the complaint of respondent No.2 and a comparative chart of the allegations in the two FIRs to show whether the same belongs to the same transactions or different transactions.

Renotify on 7th May, 2018.

2. It is thus evident that the petition was kept pending only at the insistence of the respondent No.2 who insisted that the allegations in the two FIRs are different. No material has been filed by respondent No.2 to show that the allegations in the two FIRs are different. Secondly, no FIR is now pending in the territorial jurisdiction of this Court, hence no orders in favour of any party can be passed.
3. Learned counsel for the petitioner thus seeks leave to withdraw the present petition.
4. Leave granted.
5. Petition is dismissed as withdrawn.

MUKTA GUPTA, J.

NOVEMBER 14, 2018

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