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

+ CRL.M.C. 2234/2016

GOVIND LAL ARORA

..... Petitioner

Through: Mr. A.K. Dubey, Advocate

versus

THE STATE (GOVT OF NCT OF DELHI) & ORS..... Respondents

Through: Mr. K.S. Ahuja, APP for the State

Mr. Sudhir Kumar Sharma, Adv. for
R-3 & R-4.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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30.10.2018

Crl.M.A.8641/2017 (under Section 340 Cr.P.C.)

The counsel for the petitioner submits that he may be permitted to withdraw the present application.

The application stands dismissed as withdrawn.

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The background facts and the grievances raised in the petition were noted in the order dated 03.08.2018 as under:-

“The criminal complaint case (CC No.165/1/15) of the petitioner for direction to the police for registration of FIR and investigation under Section 156(3) of the Code of Criminal Procedure, 1973 (Cr.P.C.) was dismissed by the Metropolitan Magistrate at Rohini Courts, Delhi on 23.01.2016. The petitioner challenged the said order by Criminal Revision No.14/2016. This petition was also dismissed by order dated 17.03.2016 by the court of Sessions. He has questioned the said decisions of the petition at hand under Section 482 Cr.P.C.

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The prime ground on which the said prayer was declined by the courts below is that FIR No.283/2013 was registered by the Police Station Kotwali, Bagpat, U.P. on 05.12.2013 for offence punishable under Section 364 IPC regarding the kidnapping and the incidents that allegedly happened in its wake. The short question that arises is as to whether the petitioner can insist on second FIR respecting the same incident to be registered in Delhi. The courts below have ruled against the petitioner. Copy of the complaint on the basis of which the petitioner had approached the Metropolitan Magistrate in Delhi has not been filed on record. The petitioner has appeared in person and seeks adjournment submitting his counsel is hospitalized.”

After some hearing, the counsel for the petitioner submits, on instructions, that he may be permitted to withdraw the present petition, the petitioner reserving the right to approach SSP, Bagpat (U.P.) with appropriate representation requesting for documents in the control and custody of Delhi Police including the MLC of the petitioner to be requisitioned for purposes of effective investigation and action on FIR No.283/2013 of Police Station Kotwali Bagpat, U.P. registered on 05.12.2013, the request being that suitable directions may be given to Delhi Police to comply with such requisition as and when received.

The petition stands dismissed as withdrawn.

The petitioner may pursue the remedy as referred to above, vis-a-vis the investigation into FIR registered at Bagpat, U.P. Needless to add, as and when requisition as aforesaid is received from the U.P. Police, there is no doubt the Delhi Police would comply with the same.

R.K.GAUBA, J.

OCTOBER 30, 2018/vk

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