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

+ **W.P.(CRL) 2201/2018**

VINAY SINGH

..... Petitioner

Represented by: Mr. Arjun Dewan and Mr.
Uday Bedi, Advocates.

versus

STATE OF NCT OF DELHI & ANR.

..... Respondent

Represented by: Mr. Sanjay Lao, ASC with SI
S.K. Singh, PS Fatehpur Beri.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

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25.07.2018

Crl.M.A. No. 28455/2018 (Exemption)

Allowed, subject to all just exceptions.

W.P.(CRL) 2201/2018 and Crl.M.A. No. 28454/2018

By this petition, the petitioner seeks quashing of FIR No. 70/2018 under Sections 354/341/506/509/34 IP IPC registered at PS Fatehpur Beri, Delhi and the proceedings pursuant thereto.

The main contention of the petitioner seeking quashing of the above noted FIR and the proceedings pursuant thereto is that the petitioner was not even present in India on the date when the alleged offence took place. In support of his contention the petitioner has placed on record photocopies of his passport showing his presence in Switzerland at the relevant time.

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Learned ASC for the State on instructions submits that though the respondent No. 2/prosecutrix took the name of petitioner in the complaint, however, in her statement under Section 164 Cr.P.C. the respondent No. 2 does not name the petitioner and subsequently in a written letter to the SHO PS Fatehpur Beri she clarified that in her complaint dated 23rd February, 2018 recorded where on FIR No. 70/2018 was recorded, there was a typographical error and the name Vinay Singh son of Khilar Singh should be read as Vijay Singh son of Khilar Singh and instead of the word “khilavar”, word “revolver” should be read.

In view of the statement of the prosecutrix recorded under Section 164 Cr.P.C and her subsequent correction dated 3rd March, 2018, learned ASC for the State thus submits that the present petitioner is not being arrayed as an accused in the FIR in question.

In view of the statement of learned ASC for the State, learned counsel for the petitioner on instructions seeks leave to withdraw the petition. He states that this petition is only confined to the relief qua the petitioner and since now the brother of the petitioner is being implicated he would take remedies against the same.

Petition and application are dismissed as withdrawn.

MUKTA GUPTA, J.

JULY 25, 2018
‘yo’

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