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

+ CRL.M.C. 1768/2015 & CRL.M.A. 6356/2015

RAHUL RAISURANA & ANR

..... Petitioners

Through: Mr. Mahesh Jethmalini, Sr. Adv. with
Mr. Sanjay Gupta, Mr. Rajnish Gaur,
Mr. Abhimanyu Nirula, Ms. Gunjan
Mangla, Ms. Priyanka Shetty & Mr.
Sia Choudhary, Advs.

versus

STATE (GOVT OF NCT OF DELHI) & ANR Respondents

Through: Mr. Akshai Malik, APP for the State
with Insp. Sanjeev, EOW.
Mr. Mohit Mathur, Sr. Adv. with Mr.
Ashok Sagar, Ms. Akansha Mohan,
Advs. for R-2.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

% **06.08.2018**

In view of the submissions which are recorded hereinafter, the dates 07.08.2018 and 08.08.2018 also fixed by order dated 16.04.2018 are cancelled.

The present petition was filed seeking quashing of FIR No.136/2014 under Sections 409/420/120 B of Indian Penal Code, 1860 (IPC) of police station Economic Offences Wing, the names of the present petitioners having figured in the said FIR as prospective accused nos.1 and 4 respectively. From the submissions of parties on all sides, it is noted that pursuant to the investigation into the said FIR, a report under Section 173 of

the Code of Criminal Procedure, 1973 (Cr.P.C) had been earlier filed which was followed by a supplementary charge-sheet, such report having given rise to criminal case being registered and prosecution against five persons include the prospective accused nos. 2, 3 and 5 mentioned in the FIR in addition to a company and an individual named Sai Chandrsekhar upon further investigation into the said FIR, a second supplementary charge-sheet was filed on 17.07.2018 before the court of cognizance. In the said second supplementary charge-sheet, the investigating agency has indicated that it does not propose the prosecution of the two petitioners, their names having been mentioned in column no.12 which connotes that they are persons who have not been sent up for trial. The counsel for the second respondent, who is the first informant of the FIR submitted that he has received a notice from the court of cognizance pursuant to which he would be submitting his response.

Be that as it may, counsel on all sides submit that the court of cognizance is yet to apply its mind on the second supplementary charge-sheet and the matter is coming up there for consideration on 20th August, 2018.

The learned senior counsel for the petitioners referring to the above facts submits at this stage, on instructions, that he may be permitted to withdraw the present petition. The petition and the pending applications are disposed of accordingly.

Trial court record be returned forthwith.

R.K.GAUBA, J

AUGUST 06, 2018/nk
CRL.M.C. 1768/2015

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