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

+ CRL.M.C. 3197/2015 & CRL.M.A. 11377/2015

ANJANI GUPTA

..... Petitioner

Through

Mr. Rakesh Malhotra, Adv. with
petitioner in person.

versus

OM PRKASH GUPTA & ANR

..... Respondent

Through

Mr. Puneet Goel, Adv. for R1.

Mr. Raghuvinder Varma, APP for
State with SI Shubhangi, PS Preet
Vihar and SI Parkash Chand, PS
Kotwali.

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

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12.01.2018

Vide the present petition, the petitioner assails the impugned order dated 20.06.2015 of the learned ACMM East, Karkardooma Courts, Delhi in CC No. 901/13 titled as Om Prakash Gupta Vs. Anjani Gupta wherein vide the impugned order the petitioner has been summoned qua the alleged commission of the offence under Section 380 of the Indian Penal Code, 1860.

At the outset on behalf of the respondent no. 1, it has been submitted that the petitioner has the right to seek redressal before the learned Sessions Court, which is not refuted on behalf of the petitioner and is also affirmed on behalf of the State i.e. the respondent no. 2.

In view thereof, learned counsel for the petitioner seeks permission to withdraw the present petition with a prayer seeking permission to seek

redressal before the learned Sessions Court and seeks also that the period of time that has been spent in the present litigation be allowed to be condoned at the time of seeking the redressal before the learned Sessions Court. The said submission is not opposed on behalf of the respondents no. 1 & 2.

In view of the said submissions, the petition is dismissed as withdrawn with liberty granted as prayed with the permission for condonation of the period of delay, if any, to the extent of time spent in the present litigation in the CRL.M.C. 3197/2015 before this Court.

The parties are directed to appear before the learned Trial Court on 26.02.2018.

ANU MALHOTRA, J

JANUARY 12, 2018/MK