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

+ **W.P.(CRL) 3563/2018**

SH. MANISH GUPTA

..... Petitioner

Represented by: **Mr. D. Bhattacharya, Advocate.**

versus

STATE & ORS.

..... Respondent

Represented by: **Ms. Richa Kapoor, ASC with SI
Amit, PS Sultanpuri.**

**Mr. Vinay Garg, Advocate for R-2
with R-2 in person.**

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

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04.12.2018

CrI.M.A. No. 47862/2018 (Exemption)

Allowed, subject to all just exceptions.

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By this petition, the petitioner seeks quashing of FIR No. 765/2018 under Section 365 IPC and the proceedings pursuant thereto on the ground that no case for offence under Section 365 IPC is made out against the petitioner since the respondent No. 2 who is present in Court, i.e. daughter of respondent No. 3, the complainant, is a major and has willingly joined the company of the petitioner.

Notice.

Learned ASC for the State accepts notice.

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Learned ASC for the State on instruction submits that statement of respondent No. 2 who is aged 36 years has been recorded under Section 164 Cr.P.C. wherein her stand is that she had of her own free will joined the company of the petitioner, hence a cancellation report is being prepared which will be filed before Court of Competent Jurisdiction within two weeks.

In view of statement of learned ASC for the state, learned counsel for the petitioner seeks leave to withdraw the petition with liberty to take remedies in case an adverse order is passed by the learned Metropolitan Magistrate on the cancellation report.

Leave and liberty granted.

Petition is disposed off as withdrawn.

MUKTA GUPTA, J.

DECEMBER 04, 2018
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