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

+ **CRL.M.C. 1481/2019**

MAHINDER PAL

.....Petitioner

Through: Mr. Ravin Rao, Advocate

Versus

STATE

.....Respondent

Through: Mr. Izhar Ahmad, Additional
Public Prosecutor for respondent-
State with SI Subhash Chandra

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

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13.05.2019

CrI.M.A. 10301/2019

By way of this application, early hearing of the main petition is sought.

Upon hearing, I find that sufficient cause is shown to prepone the date of hearing. The date of 6th August, 2019 fixed in this petition is accordingly cancelled and the petition is taken up for hearing today itself.

The application is disposed of.

CRL.M.C. 1481/2019 & CRL.M.A. 5872/2019 (stay)

In view of orders passed in CrI.M.A. 10301/2019, the date of 6th August, 2019 fixed in this petition is cancelled and the petition is taken up for hearing today itself.

Quashing of FIR No. 628/2017, under Section 15(c) and 29 of *The Narcotic Drugs and Psychotropic Substances Act, 1985* is sought in this petition on merits.

Petitioner's counsel submits that the case is coming up before the trial court on 20th May, 2019 for recording of prosecution evidence. It is stated that charge in this case was framed on 13th November, 2017.

Since petitioner has chosen not to challenge the order on charge, therefore, this Court is not inclined to invoke its extra ordinary inherent jurisdiction to quash the proceedings arising out of FIR in question on merits.

Learned Additional Public Prosecutor for respondent-State submits that the limitation to challenge the order on charge before the trial court has lapsed.

In the facts and circumstances of this case, this petition and application are accordingly disposed of with permission to petitioner to assail the order on charge before the trial court on merits.

Dasti.

(SUNIL GAUR)
JUDGE

MAY 13, 2019

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