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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 1954/2019**
SH. GANESH BABU GUPTA Petitioner
Through: **Mr. Pradeep Kumar, Advocate**

versus

SMT. ANURADHA SHARMA Respondent
Through

CORAM:
HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER
% **11.04.2019**

CRL.M.A.7724/2019

Allowed, subject to all just exceptions. The application is disposed of.

CRL.M.C. 1954/2019 & CRL.M.A.7725/2019

1. Learned counsel for the petitioner submitted that the learned Additional Sessions Judge has not considered in its order dated 25.8.2018 the order of the Allahabad High Court, whereby the Court below was to consider the objection of maintainability of the complaint, in view of the decision of the Supreme Court in *Dashrath Rupsingh Rathod v. State of Maharashtra & Anr.*, (2014) 9 SCC 129. Learned counsel for the petitioner submitted that the learned Additional Sessions Judge is bound-down to follow the order of the Allahabad High Court in *Ganesh Babu Gupta vs. State of U.P. & Anr.*, dated 12.4.2016.

2. Learned counsel for the petitioner seeks permission to withdraw the petition, with a direction to the Trial Court to follow the order of the Allahabad High Court. The Trial Court is directed to comply with the order of the Allahabad High Court in Ganesh Babu Gupta vs. State of U.P. & Anr., dated 12.4.2016.

3. Accordingly, the petition is dismissed as withdrawn. Pending application is also dismissed as withdrawn. However, it is clarified that this Court has not expressed any opinion on the merits of the petition.

CHANDER SHEKHAR, J

APRIL 11, 2019

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