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

+ CRL.M.C. 3543/2018 and CrI.M.A.28040-28041/2018, 28043/2018,
49968/2018

BHAGWAN SWARUP MATHUR & ORS Petitioners

Through: Mr. Neeraj Gupta, Advocate with
Ms. Tajinder Kaur, Advocate

versus

STATE (NCT OF DELHI) & ORS Respondents

Through: Mr. Raghuvinder Varma, APP for the
State with SI Brijesh Kumar PS S.J.
Enclave.
Mr. Shishir Mathur, Advocate for R-
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CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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25.03.2019

The petition under Section 482 of the Code of Criminal Procedure, 1973 (Cr.P.C.) is to seek quashing of the proceedings arising out of final report (charge sheet) under Section 173 Cr.P.C. submitted by the police on conclusion of investigation into case FIR No.18/2017, under Sections 420/406/34 of Indian Penal Code, 1860 (IPC) of Police Station Safdurjung Enclave. The petitioners through counsel fairly concedes that the charge sheet having already been filed, cognizance having been taken, the ordinary course would be to raise arguments against framing of charge before the concerned criminal court.

The counsel for the petitioners, now having taken instructions, submits that he may be allowed to withdraw the present petition and the applications filed therewith, reserving the right to raise contentions set out in the petition at the stage of consideration of charge before the concerned criminal court, he also seeking liberty to move the said court by an application seeking exemption from personal appearance on behalf of the petitioners.

The petition and the applications filed therewith are dismissed as withdrawn. The contentions raised by the petitioners in this petition are kept open and may be agitated before the concerned criminal court at the time of consideration of charge.

The petitioners may move the application for exemption from personal appearance before the concerned criminal court which shall deal with the said matter as per law.

Dasti under the signature of Court Master.

R.K.GAUBA, J.

MARCH 25, 2019

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CRL.M.C. 3543/2018

Page 2 of 2