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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 2615/2016**

MADHUR SHARMA & ANR Petitioners

Through: Mr. Saket Agarwal, Adv. with
petitioners in person.

versus

NCT OF DELHI & ANR Respondents

Through: Mr.K.S. Ahuja, APP for the State.
Mr. J.M. Dutta, Adv. for R-
2/complainant with R-2 in person.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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21.01.2019

The counsel for the petitioners, on instructions from the petitioners, who are present in person submits that given the present reluctance to cooperate on the part of the complainant (Sunita Luthra), who is present in person with her husband Rajiv Luthra and accompanied by their counsel and in view of the fact that the case arising out of FIR no. 98/2012 of police station EOW is presently subject matter of further investigation under Section 173 (8) Cr.P.C., he may be permitted to withdraw the present petition, the complainant Sunita Luthra having undertaken to return the amount of Rs. 50,000/- as was received by her in terms of the settlement dated 08.07.2016, the petitioner reserving the right to seek quashing on basis of fresh settlement, if any arrived in due course, after completion of the process of investigation.

The counsel for Ms. Sunita Luthra, proprietor of second respondent, on being asked, submits that she undertakes to refund Rs.50,000/- which had been taken by her from the petitioner in terms of settlement deed dated 08.07.2016 by demand draft within a week. The second respondent is bound by the said undertaking.

The petition is dismissed as withdrawn.

R.K.GAUBA, J

JANUARY 21, 2019

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