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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 4842/2016**

MOHAK CARPETS PVT LTD Petitioner
Through: Mr. Gaurav Bahl, Adv.

versus

STATE & ORS Respondents
Through: Mr. K.S. Ahuja, APP for the State
Ms. Kanika, Adv. for R-2.

CORAM:
HON'BLE MR. JUSTICE R.K.GAUBA

ORDER
% **28.01.2019**

After some hearing, the counsel for the petitioner seeks permission to withdraw the present petition challenging the dismissal of his complaint (CC no. 222/01/2015) by the Metropolitan Magistrate by order dated 01.12.2015, as upheld by the court of Sessions, by its order dated 17.10.2016 in criminal revision 58/02/2015, he reserving the right to institute a criminal action after decision is rendered in civil suit [CS (OS) no. 3777/2014] which is pending against the respondents on the original side of this Court, on the same set of facts and background, his only anxiety being that the observations in the order of the revisional court may not be treated as final or binding.

Given the fact that the order dated 17.10.2018 was rendered by the revisional court for examining the correctness, legality and propriety of the order dated 01.12.2015 of the Metropolitan Magistrate at the stage of Section 203 Cr.P.C, the observations recorded by the former court cannot clinch the issues or be treated as final, conclusive or binding. The petition is

dismissed as withdrawn. The petitioner may pursue the criminal action, after the decision in the civil suit, but in accordance with law.

R.K.GAUBA, J

JANUARY 28, 2019

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