



\$~93

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

+ CRL.M.C. 1769/2024 & CRL.M.A. 6776/2024

B Petitioner

Through: Mr. Lakshay Yadav, Mr.
Rohit Sehrawat, Ms. Kriti
Chauhan & Mr.
Deepanshu Goswami,
Advs.

versus

STATE OF NCT OF DELHI & ANR. Respondent

Through: Mr. Utkarsh, APP for the
State
SI Vijay Singh, PS-
Kanjawala, Rohini

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

01.03.2024

%

1. The present petition is filed, under Section 482 of the Code of Criminal Procedure, 1973 ('CrPC'), challenging the order dated 13.02.2024 (hereafter '**the impugned order**'), passed by the learned Metropolitan Magistrate ('MM'), North West District, Rohini Courts, Delhi, in Criminal Case No. 530925/2016.

2. The learned MM, by the impugned order, dismissed the application filed by the petitioner under Section 216 of the CrPC. The petitioner had sought alteration/ modification of charges by way of the said application.

3. The learned Additional Public Prosecutor for the State, at the outset, submits that the order dismissing the application under Section 216 of the CrPC is revisable under Section 397 of the CrPC.



4. In such circumstances, the petition under Section 397 of the CrPC challenging the order passed by the learned MM would lie before the Sessions Court.
5. The learned counsel for the petitioner seeks liberty to withdraw the present petition and file an appropriate petition challenging the impugned order.
6. The petition stands dismissed as withdrawn with the aforesaid liberty.

AMIT MAHAJAN, J

MARCH 1, 2024

“SS”