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

+ **CRL.M.C. 4289/2024**

ASHOK SHAH

..... Petitioner

Through: **Mr.Arun Vashisht, Advocate**

versus

THE STATE NCT OF DELHI

..... Respondent

Through: **Mr. Utkarsh, APP for State with SI
Sangeeta, P.S. S.B.Dairy.**

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

ORDER

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24.05.2024

CRL.M.A.16273/2024

Exemption allowed, subject to just exceptions.

Application stands disposed of.

CRL.M.C. 4289/2024, CRL.M.A.16272/2024

1. Petition under Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been preferred on behalf of the petitioner for quashing of FIR No. 329/2018 under Sections 341/354/354D/506/509 IPC registered at P.S.: Shahbad Dairy and proceedings emanating therefrom.
2. Learned counsel for the petitioner submits that present petition has been filed, since complainant did not support the case of the prosecution before the learned trial court.
3. At this stage, it may be premature to assess the evidence by this Court in pending trial merely because the witness has turned hostile unless the complainant is willing to support the petition for quashing.



4. Learned counsel for petitioner seeks to withdraw the petition with liberty to prefer afresh along with consent /no objection of the complainant.
5. Taking the statement of learned counsel for the petitioner on record, petition is accordingly disposed of with liberty to the petitioner to file the petition afresh. Pending applications, if any, also stands disposed of.

ANOOP KUMAR MENDIRATTA, J

MAY 24, 2024/v