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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(CRL) 3167/2019, CRL.M.A. 40113/2019 (stay) & CRL.M.A.
19014/2023

MOHINDER KUMAR CHADHA Petitioner

Through: Mr. Rama Nath Jha & Mr. Gulvir
Singh, Advocates.

versus

STATE & ANR Respondents

Through: Ms. Nandita Rao, ASC (Crl.) for the
State with Mr. Pradeep Kumar,
ACP/MT & Insp. Mahendra Pratap.
Mr. L.K. Passi, Dr. K.C. Rakesh &
Ms. Ruby, Advocates for R-2.

CORAM:
HON'BLE MR. JUSTICE AMIT SHARMA

ORDER
07.02.2024

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1. The present petition under Article 226 of the Constitution of India read with Article 21, read with Section 22 of SC/ST Act, 1989 read with Section 482 of the Cr.P.C. seeks the following prayers:

“(i) Quash the FIR No. FIR No. 559 dated 5-11-2019 U/s 3(1)(r)(s) SC/ST Act, 1989, P.S. Shalimar Bagh and its subsequent proceedings.
ii) And/or pass any other order as the Hon'ble Court deem fit and proper in the fact and circumstances of the case.”

2. It is pointed out that during the pendency of the present petition, the Investigating Officer has filed a cancellation report with respect to the impugned FIR. It is further pointed out that subsequently, the learned



Special Judge, *vide* order dated 09.05.2023, took cognizance of offence under Section 3(2)(va) of SC/ST Prevention of Atrocities Act, 1989. It is further pointed out that a connected writ petition being W.P.(CrI.) 1638/2023 filed on behalf of the co-accused with respect to the same order, is pending before this Court wherein, the impugned order has been stayed *qua* the co-accused person.

3. Learned counsel appearing on behalf of the petitioner seeks leave to withdraw the present petition with liberty to file fresh petition challenging the aforesaid order taking cognizance.
4. Leave and liberty granted.
5. The present petition is dismissed as withdrawn and disposed of accordingly.
6. Pending application(s), if any, also stand disposed of.

AMIT SHARMA, J

FEBRUARY 7, 2024/bsr