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

+ **W.P.(CRL) 3437/2019 & CRL.M.A. 6597/2022 (Stay)**

PRADEEP KUMAR

..... Petitioner

Through: Mr. KK Sharma, Mr. Mohit Sharma,
Ms. Sanya Soni, Mr. Meesu Sudhir
Tomer, Mr. Simran Chauhan, Mr.
Ajay Shankar Sharma, Mr. Arjun
Singh Tokas, Ms. Shivangi Pandey,
Mr. Sanjay Kumar Pilwal & Mr.
Prakash Chand, Advs.

versus

STATE & ORS.

..... Respondents

Through: Mr. Yasir Rauf Ansari, ASC
(criminal) for the State.
Mr. Ashish Dutta, Adv. for R-5
(through VC).

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

24.04.2024

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1. The present petition under Article 226 of the Constitution of India seeks the following prayers:-

- “(a) To quash the FIR bearing No. 325/19 dated 18.10.2019 P.S. Sarai Rohilla and all the proceedings emanating therefrom, as the above said FIR is false, frivolous and motivated on the face of it.
(b) To direct the Respondent No. 2 i.e. Commissioner of Police, Delhi to register an FIR and take strict action against Respondent No. 5 for misusing the police machinery and falsely implicating the Petitioner by misusing of power.
(c) To direct the Respondent No. 2 to pay compensation of Rs. 5,00,000/- for the stigma, harassment and agony faced by the Petitioner.
d) Any other relief/order/direction as the Hon'ble Court may deem



fit and proper.”

2. Learned counsel appearing on behalf of the petitioner relies upon CD placed on record to demonstrate that the allegations made in the FIR are false on the face of it. The present petition was filed on 06.12.2019; however, it is pointed out that the chargesheet in the present case had been filed before the Court of competent jurisdiction in October of 2019, i.e., on 18.10.2019 and, therefore, the Investigating Officer could not examine the same. It is further pointed out that the chargesheet is still pending at the stage of consideration on point of charge.
3. Learned counsel appearing on behalf of the petitioner seeks leave to withdraw the present petition with liberty to file appropriate application seeking further investigation with respect to said CD, before the learned Trial Court.
4. Leave and liberty granted.
5. The present petition is dismissed as withdrawn and disposed of accordingly.
6. Pending application(s), if any, also stands disposed of.
7. On an application being filed, the same shall be dealt with by the learned Trial Court in accordance with law, as expeditiously as possible, before proceeding with the arguments on charge.
8. Copy of the order be sent to the concerned Trial Court, for necessary information and compliance.
9. Order be uploaded on the website of this Court, *forthwith*.

AMIT SHARMA, J

APRIL 24, 2024/nk

Click here to check corrigendum, if any