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

+ **W.P.(C) 15552/2023**

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..... Petitioner

Through: Mr. Arun Yadav, Advocate.

versus

UNION OF INDIA AND ORS

..... Respondents

Through: Ms. Nidhi Raman, CGSC with Mr. Zubin Singh, Mr. Aakash Mishra, Advocates and Ms. Archana Kumari, GP for UoI.
Ms. Hetu Arora Sethi, ASC with Mr. Anirudh Bhat, Advocate along with SI Teena.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

03.05.2024

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1. The present Writ Petition has been filed with the following prayers:

“a) Issue a writ of Mandamus or any other appropriate writ, order or direction directing respondents to allow the petitioner to visit the Embassy of Uzbekistan to collect her passport and thereafter leave India to return to her country of origin/Uzbekistan.

b) In case this Hon ble Court is of the opinion that for proper adjudication and trial of cases with respect to FIR No. 148/2022 dated 22.07.2022, P.S. Crime Branch, U/sec 370/420/464/466/467/468/471/ 120-B/109 IPC, FIR No. 160/2022 dated 29.08.2022, P.S. Chanakya Puri, Delhi, U/sec 323/365/370(2)/384/506/109/120B IPC & 3/4/5 of the



Immoral Traffic (Prevention) Act, 1956 and FIR No. 747 /2022 Dated 02.11.2022 P.S. Dwarka North, U /sec 365 IPC, the presence of petitioner is necessary, then in such case this Hon'ble Court may direct speedier trial of aforesaid cases so that the evidence of the petitioner is recorded within a period of 1-2 months and thereafter petitioner may be permitted to collect her passport from Embassy of Uzbekistan and return to her country of origin.

c) In case this Honble Court directs speedy trial in aforesaid FIR's, petitioner may be permitted to reside with her relative namely Sakina and respondent no. 1 may be directed to issue temporary visa to petitioner for residing in India till the trial in aforesaid cases is concluded/ or the statement of petitioner is recorded in aforesaid cases, in the interest of justice.

d) Pass any other or further order/ direction/ relief which this Hon'ble Court may deem just, fit and proper in the facts and circumstances of the present case."

2. When this Court confronted the learned Counsel for the Petitioner that as the same reliefs, as has been prayed for in the present Writ Petition, have been rejected by a Court of competent jurisdiction, the correct course of action for the Petitioner is to file a petition under Section 482 Cr.P.C. before the competent Court.
3. Learned Counsel for the Petitioner seeks permission to withdraw the present Writ Petition with liberty to file a petition under Section 482 Cr.P.C seeking for the same reliefs, as has been sought for in the present Writ Petition.
4. Leave and liberty, as sought for, is granted.
5. The Writ Petition is disposed of as withdrawn along with the pending



applications, if any.

SUBRAMONIUM PRASAD, J

MAY 3, 2024

Rahul