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

+ **W.P.(CRL) 1307/2018 & CRL.M.A. 7993/2018 (Stay)**

ASHOK KUMAR

..... Petitioner

Through: Mr. Adit S. Pujari, Mr. Vaibhav Sethi,
Mr. Mohit Garg & Ms. Roma Bedi
Advocates.

versus

STATE & ANR

..... Respondents

Through: Ms. Rupali Bandhopadhyia, ASC
(Crl.) for the State with Mr. Abhijeet
Kumar, Advocate.
SI Pritosh Rathee, EOW.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

09.02.2024

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1. The present petition under Article 226 of the Constitution of India read with Section 482 of the Cr.P.C. seeks the following prayers:

“A. Issue a writ of Certiorari setting aside/ quashing the Order dated 30.11.2017 passed by Ms. Priyanka Rajpoot, Ld. MM, North-West District, Rohini District Courts, Delhi in CC no. 14462/2016;

AND

B. Issue directions under the supervisory powers of this Hon'ble Court under Article 226 of the Constitution of India direction that Ld. Magistrates exercise the power to discharge an accused at the stage of Section 251 of the Code of Criminal Procedure, 1973, in a case instituted otherwise than on a police report;

C. Discharge the Petitioner herein/drop the proceedings against the Petitioner herein in CC no. 14462/2016 pending before Ms. Priyanka Rajpoot, Ld. MM, North-West District, Rohini District Courts, Delhi;

AND/OR



Pass any other Order as this Hon'ble Court deems fit in the interest of justice, and in light of the facts and circumstances of this case.”

2. Learned counsel for the petitioner, on instructions and without prejudice to the rights and contentions of the latter, seeks leave to withdraw the present petition with liberty to file a fresh petition seeking appropriate relief.
3. Leave and liberty granted.
4. The present petition is dismissed as withdrawn and disposed of accordingly.
5. Pending applications, if any, also stand disposed of.

AMIT SHARMA, J

FEBRUARY 9, 2024/bsr