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

+ W.P.(CRL) 1559/2018 & CRL.M.A. 9581/2018 (Stay)

M/S AERO PROMOTERS PVT LTD & ORS Petitioners
Through: Mr. Tushar Gupta, Advocate.

versus

STATE (GOVT OF NCT OF DELHI) & ANR Respondents
Through: Mr. Sanjay Lao, Standing Counsel
(Crl.) for the State with SI Goarave
Kr. P.S. EOW, Delhi.
Ms. Sima Gulati and Ms. Diksha
Narula, Advocates for R-2.

CORAM:
HON'BLE MR. JUSTICE AMIT SHARMA

ORDER
08.02.2024

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

“A. Direct the setting aside/quashing of the order dated 04/01/2017 passed by the Ld. MM-04, SE/ Saket Courts, New Delhi, in the case titled as Romy Garg Vs "Aero Promoters Pvt. Ltd." & Ors, Bearing Cc No. 638014/16,

B. Quash the criminal proceeding arising out of FIR No. 02/2017 dt 04/01/2017 U/s 420/34 IPC, PS C. R. Park, so registered on the basis of the said order and all proceedings emanating from said FIR & order; and

C. Call for records of Cc No. 638014/16 titled as Romy Garg Vs "Aero Promoters Pvt. Ltd." & Ors referred to record room vide order dated 06/01/2017 by Ld. MM-04, SE/Saket Courts New Delhi;

D. Pass such other orders and directions as this Hon'ble Court may deem fit in the interest of justice.”

2. It is pointed out that upon completion of investigation in the present



case, a closure report *qua* the petitioner had been filed.

3. It is submitted that thereafter, the learned Trial Court took cognizance and summoned the present petitioner *vide* order dated 10.03.2023. The said order was challenged by way of a revision petition, i.e., CRL.REV.P. 456/2023, which was disposed of by a coordinate bench of this Court *vide* order dated 21.04.2023. The coordinate bench set aside the order dated 10.03.2023 and remanded the parties back to the learned Trial Court with a direction to the latter to re-examine the contentions of the parties.

4. In view of the above, learned counsel for the petitioner, without prejudice to the rights and contentions of the latter, seeks leave to withdraw the present petition, with liberty to initiate appropriate steps in accordance with law, after the Trial Court passes appropriate orders after re-examining the contentions of the parties, as aforesaid.

5. Leave and liberty granted.

6. The present petition is dismissed as withdrawn and disposed of accordingly.

7. Pending application(s), if any, also stand disposed of.

AMIT SHARMA, J

FEBRUARY 08, 2024/bsr