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

+ CRL.M.C. 4805/2014, CRL.M.A. 16470/2014 (Stay) & CRL.M.A. 30825/2018 (Additional documents)

MRS KAMLESH GUPTA

..... Petitioner

Through: Mr. S.N. Gupta, Advocate (through VC).

versus

M/S WIN-MEDICARE PVT LTD

..... Respondent

Through: Mr. Aditya N. Prasad, Mr. Piyush Sharma, Mr. Prasanna Mohan and Mr. Ayushman Singh, Advocates.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

15.02.2024

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1. The present petition under Section 482 of Cr.P.C. seeks the following prayer:

“a) Allow the present petition and set aside the impugned order dated 16.08.2014 passed by Shri Jitender Mishra, Id. ASJ, Saket Courts, New Delhi in CA No. 24/14 in the case titled as Mrs. Kamlesh Gupta Vs. M/s Win Medicare Private Limited whereby the petition filed by the petitioner was dismissed ; and

b) set aside the impugned order dated 14.03.2012 passed by Ld. MM, Delhi and order dated 03.03.2014 passed by Shri Dinesh Kumar, Presiding Officer (Civil judge/ Metropolitan Magistrate), South East District, Saket, New Delhi in CC no.229/2013 Unique ID No.02406 whereby the amendment sought in the memo of parties by the respondent herein (complainant in the case before Ld. trial court) was allowed;

c) Dismiss the complaint against Petitioner filed by the Respondent.

d) Any other order, this Hon’ble Court, may deem fit and proper in the



facts and circumstances of the case may also kindly be passed in favour of the revisionist and against the respondent.”

2. 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 raise the grounds taken herein including any other legal ground available to the petitioner, during the course of the trial in the present complaint.
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 The present petition is dismissed as withdrawn and disposed of accordingly.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.
6. It is pointed out that the present matter is pending before the learned Metropolitan Magistrate since 2014.
7. Therefore, the learned Trial Court is requested to expedite the hearing in the present case without giving undue adjournments to either of the parties.
8. A copy of this order be sent to the learned Trial Court for necessary information and compliance.

AMIT SHARMA, J

FEBRUARY 15, 2024/KCT