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

+ **W.P.(CRL) 3426/2017**

VIJAYA KUMARI

..... Petitioner

Through: Mr. Arun Francis, Ms. Veronica Francis, Advocates.

versus

STATE OF NCT OF DELHI & ORS.

..... Respondents

Through: Mr. Yasir Rauf Ansari, Additional Standing Counsel (criminal) for the State with Mr. Alok Sharma and Mr. Vasu Agarwal, Advocates.
Mr. S.C. Singhal, Advocate for R-2.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

08.05.2024

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1. The present petition has been filed by the petitioner under Article 226 and 227 of Constitution of India read with Section 482 of Cr.P.C. seeking the following prayer:

(a) A writ of certiorari or any other appropriate writ for quashing the summoning order dated 19.07.2016 (Annexure P-11) and summons dated 08.08.2016 (Annexure P-12); and discharge the petitioner from the array of accused in Criminal Complaint No. 1242/16 filed by Respondent 2 under sections 420, 468/ 471, 120-B, 34 and other sections of IPC, pending before Shri Deepak Kumar -1, MM-02(West); and

(b) Pass any such other orders and directions which your Lordships may deem fit and proper in the facts and circumstances of the case warranting the interest of the petitioner.

2. Learned counsel appearing on behalf of the petitioner submits that the property in question was bought by the petitioner vide Sale Deed dated



13.10.2010. It is submitted that thereafter it came to the knowledge of the petitioner that the property had certain disputes pursuant to which the petitioner demanded a refund from the seller and subsequently, the same was refunded to them and the Sale Deed has now been cancelled vide 19.04.2012 (**Annexure P-10**). Learned counsel for the petitioner submits that the latter has no concern with the said property.

3. Learned counsel appearing on behalf of the respondent No. 2, in view of the aforesaid position and the statement made by the petitioner submits that he has no objection with regard to the prayer made in the present petition.

4. In view of the same, the present petition is allowed. The summoning order dated 19.07.2016 and summons 08.08.2016 qua the present petitioner are hereby quashed and set aside.

5. The petition is allowed in the aforesaid terms and disposed of.

AMIT SHARMA, J

MAY 8, 2024/PB

Click here to check corrigendum, if any