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

+ **W.P.(CRL) 1873/2024**

ABHAY SAPRU & ANR.

.....Petitioners

Through: Mr. Nipun Katyal, Mr. Dhananjai
Shekhawat, Mr. Archit Jain and Mr.
Surya Pratap Singh Rana, Advocates

versus

THE STATE OF NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Sanjay Lao, Standing Counsel for
State along with SI Mohit Kumar, PS:
Chitranjan Park
Mr. Zoheb Hossain, Ms. Riya Kumar,
Mr. Kartik Kochar and Mr. Vivek
Gurnani, Advocates for R-2

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

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09.01.2025

**W.P.(CRL) 1873/2024 and CRL.M.A. 391/2025 (under Section 482
Cr.P.C)**

1. CRL.M.A. 391/2025 is an application filed by the Petitioner seeking a direction to Respondent no. 1 to not take any coercive action against him during the pendency of the main petition bearing no. W.P.(CRL) 1873/2024.
2. Learned counsel for Respondent no. 2, however, states that there is a material non-disclosure in the main petition at paragraph '62' wherein the Petitioner has categorically stated as under:-

“62. That it is pertinent to mention that **no** such or similar petition has earlier been filed by the Petitioners before this Hon'ble Court or any court and no such petition is pending before any court.”



(Emphasis supplied)

2.1 He states that however, prior to filing of the present writ petition, the Petitioners herein had also filed Crl. M.C. 2446/2023 and W.P.(Crl.) 2754/2023 on identical facts for identical reliefs.

2.2 He states that W.P.(Crl.) 2754/2023 has been dismissed by the Coordinate Bench on merits by a Judgement dated 29.02.2024.

2.3 He states, however, the filing of the said petitions was disclosed at paragraph '62' of the petition.

2.4 He states that though there was a reference to the Judgement dated 29.02.2024 in the list of dates ('LOD') filed with the petition, however, the said reference is misleading and contrary to the contents of the Judgment.

2.5 He states that in view of this non-disclosure at paragraph 62 and misleading pleading in the LOD, the Petitioner mislead the Court in issuing notice. He states that this petition could not have been maintained in view of the Judgment dated 29.02.2024.

2.6 He states that thus, the Petition ought to be dismissed at the outset.

3. The main petition has been taken up for hearing with the consent of the parties.

4. A perusal of the writ petition bears out the submissions of the counsel for Respondent no.2.

5. In response, learned counsel for the Petitioner states on instructions that he wishes to unconditionally withdraw the present petition.

6. This Court even otherwise is of the opinion that this petition could not have been maintained in the first instance, in view of the judgment dated 29.02.2024.

7. The petition stands dismissed along with pending applications.



8. The next date of hearing stands cancelled.
9. The digitally signed copy of this order, duly uploaded on the official website of the Delhi High Court, www.delhihighcourt.nic.in, shall be treated as a certified copy of the order for the purpose of ensuring compliance. No physical copy of order shall be insisted by any authority/entity or litigant.

MANMEET PRITAM SINGH ARORA, J

JANUARY 9, 2025/rhc/AKT