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

+ **CRL.M.C. 5547/2025**

RAHUL GUPTA

.....Petitioner

Through: Mr. Vishwa Aman Kandwal,
Advocate.

versus

**THE STATE THROUGH
GOVT. OF N.C.T. OF DELHI**

.....Respondent

Through: Mr. Yudhvir Singh Chauhan, APP
with SI Saroj, PS-Rahouri Garden,
ASI Girouj Singh, PS-Saket.

CORAM:

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

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13.08.2025

CRL.M.A. 23752/2025 (exemption)

Allowed, subject to all just exceptions.

This application is disposed of.

CRL.M.C. 5547/2025 & CRL.M.A. 23751/2025 (stay)

1. This is a petition under Section 482 Cr.P.C read with Section 528 BNSS, 2023, seeking quashing of FIR No. 1795/2015, titled as "State vs. Rahul Gupta & Anr", pending before the Court of Judicial Magistrate, First Class-02, West District, Tis Hazari Courts.
2. As per allegations, upon a raid conducted by the Police at Titoz bar and restaurant in Rajouri Garden, 16 bottles of illicit liquor were recovered from the said premises. On a preliminary enquiry, the chef of the restaurant,



Mr. Nishant, named the petitioner as the owner of the bar.

3. Learned counsel appearing for the petitioner submits that apart from the contrary statement of chef recorded under Section 161 Cr.P.C, there is no evidence on record *qua* the present petitioner so much so, the petitioner was neither present at the said premises, nor was he associated with the said bar and restaurant in any capacity whatsoever.

4. Learned APP appearing for the State, submits that charge has since been framed by the trial Court against the present petitioner. But the said order has not been challenged and instead the present petition has been filed for quashing the FIR.

5. At this stage, learned counsel appearing for the petitioner, seeks permission to withdraw the present petition with liberty to file the revision petition, to challenge the order on charge.

6. The statement made by learned counsel is taken on record and petition is dismissed as withdrawn with liberty to file the revision petition, if permissible in law.

RAVINDER DUDEJA, J

AUGUST 13, 2025/vd/ak