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

+ **W.P.(CRL) 3363/2023**

RAKESH KUMAR

..... Petitioner

Through: Mr R. M. Sinha, Mr P. M. Sinha, Ms
Namita Sinha and Ms Nandni Harsh,
Advocates.

versus

STATE OF NCT OF DELHI & ANR.

..... Respondents

Through: Mr Amol Sinha, ASC for the State
with Mr Kshitiz Garg, Mr Ashvini
Kumar, Ms Chavi Lazarus, Mr Rahul
Kochar and Mr Arjun Singh Kadian,
Advocates with SI Vivek Nanda, PS
Gandhi Nagar.
Respondent no.2 in person.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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10.11.2023

CRL.M.A. 31123/2023

1. Allowed, subject to all just exceptions.

W.P.(CRL) 3363/2023 & CRL.M.A. 31163/2023

2. The present petition has been filed seeking following relief:-

“It is most respectfully prayed that this Hon ble Court may kindly issue a Writ of Mandamus or Certiorari or any other appropriate Writ or Direction or Order for quashing the FIR no. 401/2023 dated 26.08.2023 lodged under section 420,468,471 and 34 IPC P.S. Gandhi Nagar, - logged by the respondent no.2-Complainant/Landlord for manipulating the electricity connection in the tenanted premises already electrified but for separate meter by the



Petitioner - a tenant w.e.f. 1982-1983, suffering eviction proceedings w.e.f., 2016, person qua whom forgery alleged died on 09.06.2023 i.e. prior to lodging of FIR.”

3. Issue notice. Learned ASC for the State accepts notice.
4. Let status report be filed before the next date.
5. Respondent no.2, who appears in person, also accepts notice.
6. Re-notify on 06.03.2024.

CRL.M.A. 31163/2023

7. This is an application seeking stay of further investigation of the proceedings in FIR No.401/2023 under Sections 420/468/471/34 IPC.
8. Learned counsel for the petitioner submits that since the notice has been issued in the present petition, no coercive action be taken against him.
9. Learned ASC for the State, on instructions from the IO, who is present in the Court submits that the apprehension of the petitioner is misplaced as the IO at this stage does not propose to take any coercive action. The statement of the learned ASC is taken on record.
10. In view of the statement of the learned ASC, the application is disposed of.

VIKAS MAHAJAN, J

NOVEMBER 10, 2023
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