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

\+ W.P.(CRL) 344/2022

CHANDER PAL SINGH ..... Petitioner
Through Mr. Sameer Shrivastava, Advocate

versus

STATE OF DELHI NCT THROUGH ITS SECRETARY, HOME DEPARTMENT & ORS ..... Respondents
Through Mr. Karan Dhalla, Advocate for Mr.Avi Singh, ASC for the State
Ms. Tanu Priya, Advocate for R-2/NMDC

CORAM:
HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

O R D E R

% 15.02.2022

HEARD THROUGH VIDEO CONFERENCING

CRL.M.A. 2986/2022 (Exemption)

Allowed, subject to all just exceptions.

W.P.(CRL) 344/2022

1. This petition under Article 226 of the Constitution of India has been filed with the following prayers:-

> *" a) To issue appropriate order, direction or writ in the nature of mandamus directing respondent no.3 to start investigation In the F.I.R. 0245/2020 against respondent Nos. 4 and 5; and*
> *b) To issue appropriate order, direction or writ in the nature of mandamus directing respondent no.2 to take appropriate action against respondent no4 and 5 for raising unauthorised and dangerous construction in their house.; and*

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c) To issue appropriate order, direction or writ in the nature of Prohibition: directing respondent no.2 to stop respondent no 4 and 5 from again constructing the wall in the house; and
d) To issue appropriate order, direction or writ in the nature of mandamus directing respondent no. I to 3, to compensate the petitioner appropriately for the loss of his Son, mental agony, etc.; and"

2. It is stated by the learned counsel for the petitioner that the petitioner's son lost his life because of the unauthorized construction by the respondent No.4 and 5. Mr. Karan Dhalla, learned counsel on behalf of Mr. Avi Singh, learned ASC states that FIR No.245/2020 dated 10.06.2020 for offences under Section 336, 337 IPC was registered. He states that chargesheet has been filed.

3. Confronted with this, learned counsel for the petitioner seeks permission to withdraw the present petition with liberty to approach the competent court by filing an appropriate application for seeking further investigation. The Trial Court is requested to consider the same on its own merits uninfluenced by the fact that the instant petition is withdrawn.

4. As far as the prayer B, C and D are concerned, it is open for the petitioner to take such steps as available to him in accordance with law.

5. The petition is disposed of as withdrawn. Pending application(s), if any, stand disposed of.

SUBRAMONIUM PRASAD, J

FEBRUARY 15, 2022
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