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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CrI. M.C. No. 1142/2015

ASHVINI MALIK

..... Petitioner

Through: Mr. Siddharth Luthra, Senior
Advocate with Mr. Adit S. Pujari, Mr.
Samar Bansal, Mr. Vinayak Malhotra,
Advocate with petitioner in person

versus

STATE OF DELHI & ANR

..... Respondent

Through: Mr. Amit Chadha, Additional Public
Prosecutor for the State
Respondent No. 2 in person.

CORAM:

HON'BLE MR. JUSTICE P.S.TEJI

ORDER

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31.08.2016

CrI. M.A. No.5918/2016 (Modification of order 17.03.2016)

By this application filed under Section 482 of Cr. P.C., the petitioner is seeking modification/recalling the order dated 17.03.2016, whereby the petitioner sought leave to withdraw the main petition.

Perusal of the order dated 17.03.2016 reveals that the petitioner sought leave to withdraw the present petition. Learned counsel appearing on behalf of the petitioner submits that due to certain misconception, the matter was wrongly withdrawn and that in case the order dated 17.03.2016 is not modified then it shall affect the substantial right of the petitioner.

In the facts of the present case, this Court is of the considered opinion that the modification cannot be of such a nature in which the character of the order is changed. However, undisputedly when the petition is dismissed as withdrawn and is not decided on merits, it does not debar the petitioner to file a fresh petition for seeking substantial relief.

With aforesaid observations, the present application is dismissed and stands disposed of.

P.S.TEJI, J

AUGUST 31, 2016

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