

IN THE HIGH COURT OF JHARKHAND AT RANCHI

Cr. M. P. No. 1358 of 2011

Sudesh Kumar Gupta and Others **Petitioners**
 Versus
 State of Jharkhand and Another ... **Opp. Parties**

CORAM: HON'BLE MRS. JUSTICE ANUBHA RAWAT CHOUDHARY

Through: Video Conferencing

15/17.04.2021

1. Learned counsel for the petitioner Mr. Jitendra Nath Upadhyay is present.
2. Learned counsel for the opposite party-State Mr. Vijoy Kumar Sinha is also present.
3. This petition has been filed for the following reliefs: -
“For quashing the order dated 10.6.2011 passed by learned Judicial Magistrate 1st Class, Giridih in Case No.C-439/2010 (T.R. No.21 of 2011) whereby and whereunder cognizance has been taken for an offence under Sections 147, 148, 341, 323, 447, 427, 379 and 506 of the Indian Penal Code and Section 3 of the Schedule Caste and Schedule Tribe (Prevention of Atrocities) Act and all subsequent proceeding thereto now pending in the court of learned Judicial Magistrate, 1st Class at Giridih.”
4. Learned counsel for the State submits that he has filed an affidavit in the present case indicating that the opposite party No.-2 i.e., the complainant has expired way back in the year 2012 itself. He further submits that no substitution or addition of party on account of death of opposite party no. 2 (complainant) has been filed before the learned court below so far.
5. Upon this, the learned counsel for the petitioner seeks permission to withdraw the present petition at this stage. He submits that withdrawal of this petition may not prejudice the petitioner in any manner whatsoever.

6. Learned counsel for the State has no serious objection to the prayer for withdrawal made by the learned counsel for the petitioner.
7. Accordingly, the present petition is dismissed as withdrawn at this stage.
8. It is further observed that withdrawal of this petition will not prejudice the case of the petitioner before the learned court below in any manner whatsoever.
9. Interim order, if any, stands vacated.
10. Pending interlocutory applications, if any, are closed.
11. Let a copy of this order be communicated to the learned court below through 'email/FAX'.

(Anubha Rawat Choudhary, J.)

Mukul