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

+ TEST.CAS. 58/2019

VARUN KHULLAR

..... Petitioner

Through: Mr. Rohit Nagpal, Adv.

Versus

STATE AND ORS.

..... Respondents

Through: Ms. Shyel Trehan & Mr. Raghav

Anand, Advs. for R-3&4.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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18.11.2019

IA No.16015/2019 (for exemption)

1. Allowed, subject to just exceptions.
2. The application is disposed of.

IA No.40489/2019 (of respondents no.3&4 under Section 340 Cr.P.C.)

3. This is yet another application under Section 340 Cr.P.C. filed at the stage of recording of evidence of the petitioner and without regard to the numerous pronouncements of this Court including in ***Vishal Kapoor Vs. Sonal Kapoor*** 2014 SCC OnLine Del 4484 (DB), ***Punjab Tractors Ltd. Vs. International Tractors Ltd.*** 2009 SCC OnLine Del 2978 and ***Amarsang Nathji Vs. Hardik Harshadhbai Patel*** (2017) 1 SCC 113, holding that applications under Section 340 Cr.P.C. cannot be filed at interim stage and the question whether any case for prosecution of any litigant under Section 340 Cr.P.C. is made out or not is to be considered at the stage of final adjudication.



4. The application is disposed of with liberty to the applicants / respondents no.3 and 4 to, at the stage of final arguments, also urge that a case for prosecution under Section 340 Cr.P.C. of the Cr.P.C. is made out.

NOVEMBER 18, 2019
'gsr'

RAJIV SAHAI ENDLAW, J

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