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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 5433/2024**
GAURAV @ RAHULPetitioner

Through: Mr. R.K. Singh, Adv.

versus

THE STATE NCT OF DELHI AND ANR.Respondents
Through: Mr. Sanjeev Sabharwal, APP for State
with SI Omkant Yadav.

CORAM:
HON'BLE MR. JUSTICE VIKAS MAHAJAN

% **ORDER**
24.02.2025

CRL.M.A. 37518/2024 (exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

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3. The present petition has been filed under Section 528 BNSS seeking quashing of FIR No. 51/2021 under Sections 323/324/326/341/506 IPC registered at Police Station Hauz Qazi, Delhi on the ground of settlement.
4. Notice was issued in the present petition on 17.12.2024.
5. The learned APP for the State submits that the present petition is not maintainable, in as much as, the petitioner has already been convicted in connection with aforesaid FIR for the offences under Sections 341/326/506, *vide* judgment dated 13.12.2022.
6. On instructions from the IO, he further submits that the matter is now pending before the learned Trial Court for arguments on sentence and the next



date fixed before the learned Trial Court is 05.08.2025.

7. He submits that because of the pendency of present petition, the learned Trial Court is not proceeding further to pass an order on sentence.

8. This Court is, *prima facie*, of the view that since the petitioner has already been convicted, the present petition seeking quashing of FIR is not maintainable. In case there is a settlement arrived at between the petitioner and the complainant, the same can, however, be considered for reduction of sentence and that too, in an appeal which would be preferred by the petitioner against the judgment of conviction and order of sentence.

9. The learned counsel for the petitioner prays for time to seek instructions to withdraw the present petition.

10. At request, list on 08.04.2025.

VIKAS MAHAJAN, J

FEBRUARY 24, 2025/dss