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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 3095/2025**
RAFI UR REHMAN & ORS.

.....Petitioner

Through: Mr. Rohit Saraswat, Mr. Shah Rukh
Ahmed, Sharan Mehta, Advocates.

versus

STATE OF NCT OF DELHI & ANR.

.....Respondent

Through: Mr. Anand V. Khatri, ASC for State
with Mr. Aditya Khatri Advocate
and W SI Shakuntala.
Mr. Dilwar H Barlaskar, Advocate for
Complainant.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

% **07.11.2025**

CRL.M.A. 32901/2025 *(under Section 528 of the Bharatiya Nagarik
Suraksha Sanhita, 2023 on behalf of the Petitioner seeking urgent Interim
Relief)*

1. An Application has been filed on behalf of the Petitioner for pre-
ponement of the date of hearing of the Stay Application
CRL.M.A.28579/2025.

2. Learned ASC for State appears on advance Notice.

3. In view of the submissions made, the Application is allowed and the
Interim Application for Protection is hereby taken up today.

4. The Application stands disposed of.

CRL.M.A.28579/2025 *(under Section 528 of the Bharatiya Nagarik
Suraksha Sanhita, 2023 on behalf of the Petitioner seeking Interim Stay)*

5. An Application has been filed on behalf of the Petitioner seeking



interim stay on FIR No.151/2025 registered at Jamia Nagar.

6. Learned ASC for State submits that as the investigations were being concluded, the Prosecutrix made another statement under Section 164 Cr.P.C, wherein she has leveled allegations of rape and Section 376 IPC has been added, which is being investigated.

7. The Petitioner has sought the interim protection/stay in a Petition filed for quashing of the FIR which was registered under Section 498A/406/34 IPC. As per the submissions of the Petitioner, himself he had been issued Notices under Section 41.1 Cr.P.C and he had duly joined the investigations. However, since now the allegations of rape have emerged, it requires a re-look and the Petitioner is entitled to seek his interim protection.

8. No Interim Protection can be granted in a Petition filed for quashing of FIR under Section 498A/406/34 IPC, when additional prima facie investigations are being carried out for the offence under Section 376 IPC.

9. The Application is accordingly disposed of.

NEENA BANSAL KRISHNA, J

NOVEMBER 7, 2025/va