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

+ CRL.M.C. 9077/2024

ABHISHEK KHARI

.....Petitioner

Through:

Mr. Mohit Mathur (Sr. Adv), Mr. Naginder
Benipal, Mr. Shekhar Dasi, Mr. MD.
Talha, Advs.

versus

STATE OF NCT OF DELHI THROUGH STATION HOUSE
OFFICER & ANR.

.....Respondent

Through:

Mr. Sanjeev Sabharwal, APP with
Ms. Sanya Narula, Adv.
SI Vijay Maan, PS Sarai Rohilla

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

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21.11.2024

1. This is a petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS') seeking quashing of the F.I.R. No. 659/2022, dated 25.10.2022 registered at PS Sarai Rohilla under sections 307/34 IPC, 1860 and Section 25/27 Arms Act, 1959 and all consequential proceedings emanating therefrom.

2. It is stated that the pistol from which the bullet was fired did not belong to the petitioner and he was also not present at the site when the bullet was fired.

3. In addition, the petitioner has also not been identified by the complainant/respondent no.2 himself. Hence, no ingredients of sections 307/34 IPC, 1860 read with Sections 25/27 Arms Act, 1959 has been made out.

4. It is stated that the said case falls within the parameters of ***State Of Haryana Vs Bhajan Lal*** 1992 Supp (1) SCC 335.



5. Issue notice, Mr. Sabharwal, learned APP accepts notice on behalf of respondent no.1.

6. Let notice be issued to respondent no. 2 on the petitioner taking steps within 2 weeks from the date, the order is uploaded through all permissible modes including electronic, returnable on 16.12.2024.

JASMEET SINGH, J

NOVEMBER 21, 2024/sp