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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 1353/2018 & CRL.M.A. 8201/2018, CRL.M.A.**
31741/2019

SADAN YADAV

..... Petitioner

Through Mr Sanyam Khetarpal and Ms Narita
Yadav, Advocates.

versus

STATE (GNCT OF DELHI) & ANR

..... Respondents

Through Mr Piyush Singhal, Advocate for
Mr Ashish Aggarwal, ASC for State.
SI Anita Ravi, Crime Branch present.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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18.11.2019

1. The petitioner has filed the present petition impugning FIR No. 943/2015 under Sections 376-D/328/34 of the IPC registered with PS Samaipur Badli Outer District, Delhi.
2. The learned counsel appearing for the respondent states that a charge sheet has already been filed and the matter is now listed for considering the question regarding framing of charges on 25.11.2019.
3. The learned counsel appearing for the petitioner states that the said FIR itself ought to be quashed since the allegation against the petitioner is unsustainable. He states that the petitioner is almost seventy years of age and suffers from erectile dysfunction and therefore, the question of the appellant committing an offence punishable under Section 376 of the IPC does not

arise.

4. This Court does not consider it apposite to entertain the present petition considering that the contentions raised by the petitioner in this petition are available to him before the Trial Court at the time of considering the issue as to framing of charges.

5. Since the matter is now listed on 25.11.2019, this Court requests the Trial Court to consider the matter expeditiously considering the age of the petitioner.

6. The petition is disposed of with the aforesaid directions.

7. The pending applications are also disposed of.

8. Order *dasti* under signatures of the Court Master.

VIBHU BAKHRU, J

NOVEMBER 18, 2019

pkv