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

+ **CRL.M.C. 2775/2023**

CAPT. RETD JAGADISH RATHPetitioner

Through: Mr. Sunny Arora and Mr. Aditya
Rana, Advocates.

versus

STATE OF DELHI AND ORSRespondents

Through: Ms. Priyanka Dalal, APP for the
State.
SI Durgesh, PS Dwarka North.
Mr. V.K.Singh, Mr. Sourav Kumar
and Ms. Prachi Singh, Advocates for
R-2.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

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16.05.2025

1. This hearing has been done through hybrid mode.

CRL.M.A. 15274/2025 (exemption)

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

CRL.M.A. 15275/2025 (delay)

3. The present application under Section 528 of the BNSS seeks condonation of delay of 150 days in filing the present petition.

4. In view of the averments made in the present application, the same is allowed and disposed of accordingly.

5. Delay of 150 days in filing the present petition is condoned and the same is taken on record.

REVIEW PET. 311/2025

6. The present petition under Article 226 of the Constitution of India seeks

This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.

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the following prayers:-

- “(a) To review and set aside the order of Quashing of FIR dated 02-12-2024 passed by this Hon’ble Court in FIR bearing no. 092/2021 dated 20-02-2021 at PS Dwarka North Delhi U/s 376/377 IPC 1860.
- (b) To grant Costs of the present petition in favour of the applicant.
- (c) To pass any such and further orders or directions as this Hon’ble Court may deem fit and proper in the facts and circumstances of the present case and in the interest of justice and fairness.”

- 7. Learned counsel appearing on behalf of the petitioner seeks leave to withdraw the present petition with liberty to initiate appropriate proceedings in accordance with law.
- 8. Leave and liberty granted.
- 9. The present petition is dismissed as withdrawn and disposed of accordingly.
- 10. Pending application(s), if any, also stand disposed of.

AMIT SHARMA, J

MAY 16, 2025/sn/pr

[Click here to check corrigendum, if any](#)