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

+ **W.P.(CRL) 1298/2022 & CRL.M.A. 11181/2022 & CRL.M.A. 11233/2022**

HASHIR JAVED QURESHI

..... Petitioner

Through: Ms. Suroor Mander and Ms. Aishwarya Sudhir, Advocates

versus

STATE OF GNCT DELHI

..... Respondent

Through: Mr. Yasir Rauf Ansari, ASC for State with Mr. Alok Sharma and Mr. Vasu Agarwal, Advocates

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

09.01.2024

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1. This writ petition has been filed by the Petitioner seeking the following reliefs:-

“a. SET ASIDE/QUASH the order dated 24.11.2021 passed by the Additional Deputy Commissioner of Police, North District, Delhi under Section 47 of the Delhi Police Act, 1978 titled State v. Hashir Javed Qureshi; and

b. PASS such other and further orders as this Hon'ble Court may deem fit in the facts and circumstances of the case.”

2. Learned ASC, at the outset, takes a preliminary objection to the maintainability of the writ petition on the ground of existence of a statutory remedy of appeal under Section 51 of the Delhi Police Act, 1978 (hereinafter referred to as ‘the Act’) which provides that any person

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aggrieved by an order under Sections 46, 47 or 48 may appeal to the Administrator within 30 days from the date of the service of such order on him. ‘Administrator’ under Section 2(a) of the Act means the Administrator of Delhi appointed under Article 239 of the Constitution.

3. In view of the statutory remedy of appeal, learned counsel for the Petitioner, on instructions, seeks to withdraw the present writ petition to avail the statutory remedy of appeal.

4. It be noticed that the limitation period for filing an appeal under Section 51 of the Act is 30 days from the date of service of such order on the Petitioner, however, on the application for condonation of delay being filed by the Petitioner within a period of four weeks from today, the same shall be considered by the learned Administrator taking into account the fact that the present writ petition was filed by the Petitioner in 2022 and was pending in this Court for this entire period.

5. Petition along with pending applications stands disposed of, granting liberty to the Petitioner to file an appeal before the Appropriate Authority.

JYOTI SINGH, J

JANUARY 09, 2024/kks