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

+ **CRL.M.C. 5233/2024 & CRL. MA 19988/2024**

ABEIR PHOGATTE

.....Petitioner

Through: Mr. Pranav Goyal, Mr. Vishant Singh
and Ms. Mreeganka Goyal Advocates
(M:9654854905).

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Sanjeev Sabhrawal, APP for State
with SI Dharmendra PS Kishangarh,
Delhi.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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22.07.2024

1. By way of the present petition, the petitioner seeks quashing of FIR No. 211/2020 registered under Sections 188/269/270/336/420 IPC at P.S. Kishangarh, Delhi.
2. The aforesaid FIR came to be registered on 18.04.2020 when the petitioner was found driving a vehicle during the COVID period when a curfew was imposed vide order passed by the concerned ACP on 29.03.2020, concededly, the fundamental premise to challenge the quashing is that the petitioner was holding a valid pass on 18.04.2020 which exempted him from the prohibitory order issued under Section 144 Cr.P.C.
3. On being asked, learned counsel for the petitioner initially stated that the petitioner was holding a valid pass when the FIR was registered. However, later on, he conceded that there was no extension of the pass, which had expired on 15.04.2020,



4. Mr. Sanjeev Sabhrawal, learned APP for State, on instructions from the IO also confirms that on the date of the incident, the pass issued to the petitioner had already expired and there was no extension of the same.

5. In view of the above, no ground is made out to entertain the present petition and the same is accordingly dismissed along with pending application.

6. Learned counsel for the petitioner stated that no ingredients of offence under Section 420 IPC are made out. However, considering the fact that the matter is coming up before the Trial Court for framing of charges, the petitioner is permitted to raise the said contention before the Trial Court.

MANOJ KUMAR OHRI, J

JULY 22, 2024/rd