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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 6107/2024**

ISHAN SINGH @ ISHANT RAJPUTPetitioner

Through: Mr. Shagun Mehta, Advocate.

versus

STATE NCT OF DELHI AND ANRRespondents

Through: Mr. Utkarsh, APP for the State with
SI Sawai Singh, P.S.: Wazirabad.

CORAM:
HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

07.08.2024

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CRL.M.A. 23368/2024 (exemption)

Exemption granted, subject to just exceptions.

The application stands disposed of.

CRL.M.C. 6107/2024

By way of the present petition filed under section 482 of the Code of Criminal Procedure 1973 ('CrPC'), the petitioner seeks quashing of case FIR No.250/2024 dated 18.03.2024 registered under sections 153-A/295-A of the Indian Penal Code, 1860 at P.S.: Wazirabad, Delhi.

Though the present petition has been filed under the provisions of the Cr.P.C., in the opinion of this court, on a plain reading of section 531(2)(a) of the Bharatiya Nagarik Suraksha Sanhita 2023 ('BNSS'), proceedings are to be "*disposed of, continued, held or made*" in accordance with the Cr.P.C.



only in cases where ***such proceedings***, viz. “any appeal, application, trial, inquiry or investigation”, were already ***pending*** immediately before the date on which the BNSS came into force, *i.e.* 01.07.2024. It appears therefore, that while inserting the repeal and savings provision in section 531 of the BNSS, the intention of Parliament was to not disrupt on-going proceedings by changing the governing law during the pendency of such proceedings. Since the present petition has been *filed after 01.07.2024*, in the opinion of this court, the present petition ought to have been filed under the BNSS. Be that as it may, in order to obviate any unnecessary delay, the present petition is treated as one under section 528 of the BNSS.

After making some submissions, learned counsel appearing for the petitioner seeks leave to withdraw the present petition.

The petition is accordingly disposed-of as withdrawn; without making any observations on the merits of the matter.

Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

AUGUST 7, 2024/ak