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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 2506/2024**
ALIMUDDIN DEHLAVIPetitioner

Through: Mr. A. K. Mishra with Mr. Aripit
Mishra, Mr. Anik Srivastava, Mr.
Sudhanshu Dwivedi, Mr. Manoj
Kumar and Mr. Rahul, Advocates.

versus

THE STATE OF NCT OF DELHI AND ORS.Respondents

Through: Mr. Amol Sinha, ASC for the State
with Mr. Kshitiz Garg, Mr. Ashvini
Kumar and Ms. Chavi Lazarus,
Advocates.
SI Omkant Yadav, P.S.: Hauz Qazi.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

% **20.08.2024**

CRL.M.A. 24440/2024

Exemption granted, subject to just exceptions.

Let requisite compliances be made within 01 week.

The application stands disposed of.

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By way of the present petition filed under Article 226 of the Constitution of India, the petitioner seeks a direction to the respondents to register an FIR in the backdrop of what has been explained in the petition.

2. Upon being queried, Mr. A.K. Mishra, learned counsel appearing for the petitioner admits that the petitioner has not preferred any application under section 175(3) of the Bharatiya Nagarik Suraksha Sanhita 2023 ('BNSS'), before the learned Magistrate seeking the same relief.



3. Mr. Mishra submits that the proceedings before the learned Magistrate would take considerable time and in the meantime the petitioner has been receiving threats from private parties who have undertaken illegal construction.
4. In the circumstances and in view of the law laid down by Supreme Court in *Sakiri Vasu vs. State of Uttar Pradesh & Ors.*,¹ the present petition is disposed-of, granting liberty to the petitioner to approach the concerned Metropolitan Magistrate under section 175(3) BNSS, with a request to the learned Magistrate to deal with the application *expeditiously*.
5. Furthermore, as offered by learned counsel for the respondents, it is directed that the cell-phone number of the concerned SHO as well as the concerned Beat Constable, be furnished to the petitioners immediately, who may contact them in any eventuality.
6. Petition stands disposed-of in the above terms.
7. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

AUGUST 20, 2024

ds

¹ (2008) 2 SCC 409