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

+ **CRL.M.C. 7313/2024 & CRL.M.A. 27891/2024**
SUSHMA & ANR.Petitioners

Through: Mr. Anil Goel, Adv.

versus

STATE/N.C.T. OF DELHIRespondent

Through: Mr. Ajay Vikram Singh,
APP for the State.

Insp. Arun Dagar, PS
Bhalswa Dairy.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

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27.09.2024

CRL.M.A. 27892/2024 *(exemption from filing the originals/
certified /legible/properly margined copy of the annexures)*

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

CRL.M.C. 7313/2024 & CRL.M.A. 27891/2024

3. The present petition is filed under Section 528 of the Bharatiya Nagrik Suraksha Sanhita, 2023 ('BNSS'), essentially for quashing of proceedings under Section 84 of BNSS against the petitioners.

4. The learned counsel for the petitioners submits that the Petitioner No. 2 was pursuing his remedies by filing an appropriate application under Section 438 of the Code of Criminal Procedure, 1973 ('CrPC'). He submits that it is an admitted case that Petitioner No.2 has since surrendered and is in custody at the moment.

5. He further submits that as far as Petitioner No. 1 is concerned, she was admittedly an occupant of two residential



premises and the notice under Section 41A of the CrPC was served only at one of the addresses. He submits that without getting into the controversy, he has instructions to state that the Petitioner No. 1 would join the investigation as and when fresh notice is served at the residential address, being N-11C/62, T-Huts, Railway Crossing, Chowki No. 4, 1 A, G.T. Karnal Road, Azadpur, Delhi-110033.

6. He further submits that Petitioner No. 1 is a Senior Citizen and a woman.

7. Though this Court does not find any infirmity in the procedure adopted by the State, however, purely on humanitarian ground and considering the statement made by the learned counsel for the petitioners that Petitioner No. 1 would appear as and when fresh notice is served by the State, this Court deems it appropriate to quash the proceedings under Section 84 of the BNSS.

8. In view of the above, this Court does not consider it apposite to adjudicate the issues raised by the petitioners. The proceedings under Section 84 of the BNSS against the petitioners are quashed.

9. It is clarified that the proceedings initiated under Section 84 of the BNSS are quashed purely on a humanitarian ground.

10. The petition is allowed in the aforesaid terms.

AMIT MAHAJAN, J

SEPTEMBER 27, 2024

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