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

+ **CRL.M.C. 7353/2024**

PUSHPA DEVI

.....Petitioner

Through: Mr. Keshav Kumar Verma, Ms.
Arpita and Mr. Ashhesh Kumar,
Advocates

versus

STATE OF NCT OF DELHI AND ORS.

.....Respondent

Through: Mr. Hemant Mehla, Ld. APP for the
State.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

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17.09.2024

CRL.M.A. 28040/2024 (Seeking Exemption)

1. Allowed, subject to just exceptions.
2. The application is accordingly disposed of.

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3. The present Petition has been filed under Section 528 of the BNSS, 2023 for quashing the Order dated 04.01.2022 and 02.04.2024 passed by the learned MM registration of FIR against the Respondent No. 2 and 3.
4. Learned APP for the State has pointed out that the Order under Section 156(3) of the Code of Criminal Procedure, 1973 passed by the learned MM dated 04.01.2022 rejecting the Application under Section 156(3) for registration of FIR did not find favour in the first Revision



Petition whereby the learned MM dismissed the Revision Petition.

5. The petitioner then filed Crl.Rev.P. 1073/2024 challenging the Order of the learned MM dated 04.01.2022 and the Order dated 02.04.2024.

The Coordinate Bench of this Court in its Order dated 29.08.2024 specifically observed that the second Petition was not maintainable and thus treated it as one under Sections 438 & 442 read with Section 528, BNSS. After some arguments, the same was withdrawn by the petitioner.

6. Having already availed the remedy under Section 528, BNSS and withdrawn the Petition, the second Petition under the same Section for the same relief is therefore not maintainable.

7. Petition accordingly disposed of.

NEENA BANSAL KRISHNA, J

SEPTEMBER 17, 2024/PT