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

+ CRL.M.C. 7682/2024 & CRL.M.A. 29321/2024

SATVINDER GONDAL

.....Petitioner

Through: Mr. Ashim Vachher, Mr. Vaibhav
Dabas, Mr. Kumar Laksa, Advocates.

versus

(STATE OF NCT) DELHI & ANR.

.....Respondents

Through: Mr. Tarang Srivastava, APP for the
State.

Mr. Sahil Yadav and Mr. Lakshya
Dheer, Advocates along with the
petitioner *via* video conferencing for
R-2.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

27.09.2024

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By way of the present petition filed under section 482 of the Code of Criminal Procedure 1973 ('Cr.P.C.'), the petitioner seeks quashing of case FIR No.232/2019 dated 05.07.2019 registered under sections 354/509/506/34 of the Indian Penal Code, 1860 ('IPC') at P.S.: Neb Sarai, New Delhi.

2. Though the present petition has been filed under the provisions of the Cr.P.C., in the opinion of this court, on a plain but meaningful 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; and to therefore not change the governing law during the pendency of such proceedings.

3. Since the present petition is a fresh proceeding and 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.
4. At the outset, Mr. Tarang Srivastava, learned counsel appearing for the State informs the court that pursuant to the investigation conducted in the matter, a closure report was filed by the State, which has been accepted by the learned trial court *vide* order dated 12.01.2024, thereby closing all proceedings in the matter.
5. In the circumstances, learned counsel for the petitioner seeks leave to withdraw the present petition, as having been rendered infructuous.
6. The petition is accordingly disposed-of as infructuous.
7. Pending applications, if any, also stand disposed-of.
8. For the record, it may be observed that a petition bearing CRL.M.C. No.7530/2024 titled ***Majid Khan Karikatti & Anr. vs State of NCT of Delhi & Anr.*** seeking the quashing of a cross-FIR bearing No.360/2021 dated 27.08.2021 registered under sections 420/468/471/506/509 of the IPC at P.S.: Neb Sarai, Delhi has also been allowed by this court today, thereby closing all proceedings in the cross-FIR as well.

ANUP JAIRAM BHAMBHANI, J

SEPTEMBER 27, 2024/ak