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

+ **CRL.M.C. 1159/2025**

GAURI RISHI

.....Petitioner

Through: Mr. Ankur Chawla, Ms. Srishti
Juneja & Ms. Sugandh Kochhar,
Advocates.

versus

STATE THROUGH NCT OF DELHI

.....Respondent

Through: Mr. Raghuinder Verma, APP for the
State with SI Ashok, PS-R.K. Puram.

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

18.02.2025

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CRL.M.A. 5201/2025

Exemption allowed subject to just exceptions.

The application stands disposed of.

CRL.M.C. 1159/2025

1. The instant petition under Section 528 of the Bharatiya Nagrik Suraksha Sanhita, 2023 [earlier under Section 482 of the Code of Criminal Procedure, 1973 (hereinafter “Code”)] has been filed on behalf of the petitioner for direction to expedite the protest petition filed on 2nd November, 2023 before the concerned Judicial Magistrate First Class (hereinafter “JMFC”), which is still pending.

2. Mr. Chawla, learned counsel appearing on behalf of the petitioner vehemently submitted that in spite of the order dated 19th December, 2024



passed by the Hon'ble Supreme Court in SLP (CrI.) 4646 of 2022, the learned JMFC has adjourned the matter to 7th July, 2025. In support of his arguments, learned counsel for the petitioner referred paragraphs nos. 11 and 12 of the order dated 19th December, 2024 and submitted that the said order clearly observes that of the pending protest petition shall be decided expeditiously by the court concerned.

3. It is further submitted that the said order was well within the knowledge of the learned JMFC and despite the same, vide order dated 20th December, 2024, the learned JMFC adjourned the matter to 7th July, 2025, which is in deviance and contrary to the mandate of the order dated 19th December, 2024 passed by the Hon'ble Supreme Court.

4. In light of the foregoing submissions, it is prayed that the order dated 20th December, 2024 passed by the learned JMFC may be set aside and a direction may be issued to the learned JMFC to proceed with the protest petition, expeditiously, preferably within two months, as the same is pending since 2023.

5. Mr. Verma, learned APP appearing on behalf of the State has no objection if a direction is issued to decide the protest petition within a time-bound manner.

6. Heard learned counsel appearing for the petitioner as well as the learned APP appearing for the State and perused the contents made in the order dated 19th December, 2024 passed by the Hon'ble Supreme Court in SLP (CrI.) 4646 of 2022.

7. In light of the observation made by the Hon'ble Supreme Court vide order dated 19th December, 2024, no objection given on behalf of the State regarding the expeditious disposal of the protest petition and the fact that the



matter is pending before the learned JMFC for almost two years, this Court finds merit in the arguments advanced by the learned counsel appearing on behalf of the petitioner for expeditious disposal of the protest petition, which is pending since 2023.

8. Accordingly, the order dated 20th December, 2024 passed by the learned JMFC is set aside with a direction to the Court concerned to decide the protest petition bearing Ct. Case No. 7150/2023 pending before it, expeditiously, after taking into account the merits of the case and giving an opportunity to both the parties to be heard, preferably within a period of two months from the date of the receipt of the copy of this order.

9. Accordingly, the instant petition is disposed of along with pending applications, if any.

10. The petitioner would be at liberty to file an appropriate application before the court concerned along with a copy of this order.

CHANDRA DHARI SINGH, J

FEBRUARY 18, 2025

NA/mk

Click here to check corrigendum, if any