



\$~90

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

+ **CRL.M.C. 2167/2026**

ASHISH GARG & ANR.

.....Petitioner

Through: Ms. Nandita Rao, Senior Advocate
with Mr. Lakshay Saini, Mr. Ankur
Raghav, Mr. Ujjwal Sharma, Mr.
Himanshu Tyagi & Ms. Prena,
Advocates.

versus

**STATE NCT OF DELHI THROUGH
SHO PARLIAMENT STREET & ORS.**

.....Respondent

Through: Mr. Hitesh Vali, APP for State.
SI Mohit Verma, PS Parliament
Street.
Mr. Manish Kaushik, Mr. Jitender
Chaudhary, Mr. Ankit Batra, Mr.
Mishal Johari & Mr. Mainak
Sarkar, Advocates. [M:-
9818218885]

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

%

24.03.2026

CRL.M.A. 8937/2026(Exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

CRL.M.C. 2167/2026

1. The petitioners assail an order dated 06.02.2026 passed by the revisional court in Criminal Revision No. 76/2026, arising out of



proceedings before the learned Magistrate's Court in Complaint Case No. 23632/2025.

2. Ms. Nandita Rao, learned Senior Counsel for the petitioners, submits that the petitioners' application under Section 175(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023 ["BNSS"] was successful before the learned Magistrate's Court. The learned Magistrate by order dated 03.02.2026 directed registration of FIR against respondent Nos. 2 to 4 herein. Against this order, the criminal revision petition filed by the said respondents remains pending before the learned Sessions Court. However, Ms. Rao submits that the learned Sessions Court has erroneously stayed the operation of the Magistrate's order on an erroneous *prima facie* finding with regard to the jurisdiction of the concerned police station.

3. In any event, Ms. Rao submits that the appropriate course would be to transfer the investigation to the jurisdictional police station, rather than staying the order directing registration of the FIR.

4. Mr. Hitesh Vali, learned Additional Public Prosecutor, and Mr. Manish Kaushik, learned counsel for the respondent Nos. 2 to 4, are present on advance notice.

5. Having regard to the fact that the matter is pending before the learned Sessions Court in revision, I am of the view that the appropriate course at this stage is to permit the petitioners to seek an expeditious decision on the revision petition. The revision petition is listed on 23.04.2026. However, it is open to the petitioners to apply before the learned Sessions Court for advancement of the date of hearing, if possible, having regard to the Board of the concerned court and the age of



the matters pending before it. In any event, the learned Sessions Court is requested to decide the matter as expeditiously as possible, particularly in view of the fact that a stay is operating against the registration of the FIR and the investigation.

6. Mr. Vali and Mr. Kaushik assure the Court that they will cooperate with the learned Revisional Court for an expeditious decision on the revision petition. In particular, Mr. Kaushik states that his clients will accede to an early hearing, if convenient to the learned Sessions Court, and will not, in any event, seek any avoidable adjournment.

7. It is made clear that this Court has not made any observations which affects the merits of the matter, and the rights and contentions of the parties in the revision petition are left open.

8. It goes without saying that the remedies available to the aggrieved party in accordance with law, remain reserved.

9. The petition, alongwith pending application, stands disposed of with these observations.

PRATEEK JALAN, J

MARCH 24, 2026

'pv/JM'/'