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

+ **CRL.M.C. 3376/2026**

NAVDEEP

.....Petitioner

Through: Mr. Swastik Singh, Adv.

versus

THE STATE OF NCT OF DELHI AND ORS.Respondents

Through: Mr. Satish Kumar APP for State
with Mr. Dinesh Kr., Ms. Upasna
Bakshi and Ms. Divya Bakshi,
Adv.

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

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04.05.2026

CRL.M.A. 13650/2026 (*Exemption*)

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

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3. By virtue of the present petition under *Section 528* of the Bharatiya Nagarik Suraksha Sanhita, 2023 (***BNSS***), the petitioner inter alia seeks setting aside of the order dated 02.02.2026 passed by the learned Additional Session Judge-05, Dwarka Courts, New Delhi in Criminal Appeal No.2270/2024 (***learned Sessions Court***) as also seeks direction to the learned CMM (SW) Dwarka Courts, Delhi (***Trial Court***) to decide the petitioner's protest petition on merit.
4. Issue notice.



5. Learned APP for the State accepts notice.
6. As borne out from the record, it appears that the learned Trial Court passed the order dated 18.07.2023 on the assumption that since this Court *vide* order dated 11.07.2023 had quashed the FIR No.351/2020 alongwith the other proceedings emanating therefrom, no further proceeding can take place therein qua the petitioner herein, and thereby disposed of the petitioner's protest petition on that ground alone.
7. Similarly, a perusal of the impugned order dated 02.02.2026 reveals that the learned Sessions Court had also proceeded to pass the impugned order on the same assumption that "*... ..the FIR No. 351/2020 under Section 420/468/471/120 B IPC PS Dwarka South was quashed by Hon'ble High Court along with the observation that all the proceedings emanating therefore, were also quashed.*"
8. However, both the Courts below failed to consider that since the said quashing petition was only pertaining to the other co-accused persons, who were petitioners therein and the respondent no2/ complainant therein, and the petitioner herein was not a part as he was not impleaded therein, the said order dated 11.07.2023 passed by this Court was only *qua* the said petitioners and the respondent no.2 and was not extendable to the petitioner herein.
9. As such, considering the same, the present petition is allowed and both the impugned orders dated 18.07.2023 passed by the learned Trial Court and order dated 02.02.2026 passed by the learned Sessions Court are set aside.
10. *Ergo*, the proceedings are remanded back before the learned Trial Court for adjudicating the petitioner's protest petition on merits, which is



revived accordingly, after taking into consideration the Closure Report filed by the prosecution.

11. Accordingly, the present petition is disposed of in the aforesaid terms.

12. A copy of this order be sent to the concerned learned Principal District and Sessions Judge, South West, Dwarka Courts, New Delhi for information and compliance.

SAURABH BANERJEE, J

MAY 4, 2026/So