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

CNR No. DLHC010411062026

+ **W.P.(CRL) 2662/2026**

MD MUJAHID

.....Petitioner

Through: **Mr. Kunal Vashisht, Advocate**
alongwith Petitioner in Person.

versus

STATE GOVT. OF NCT OF DELHI AND ANR. Respondents

Through: **Mr. Sanjay Lao, Senior Advocate**
with **Ms. Manjeet Arya, APP &**
Mr. Abhinav Kumar, Mr. Anjan
Sachdeva & Mr. Priyam Agrawal,
Advocates.
W/SI Kiran Maan & SI Lal Chand,
PS S.B. Dairy.
Ms. Vibhuti Zibbu, Advocate for
R2.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **02.09.2026**

CRL.M.A. 27003/2026 (for exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

W.P.(CRL) 2662/2026

1. By way of this petition under Article 226 of the Constitution, the petitioner seeks quashing of FIR No. 493/2026, dated 01.08.2026, registered at Police Station Shahbad Dairy, District Outer North, Delhi, under Sections 3(1)(r)/3(1)(s)/3(2)(va) of the Scheduled Castes and



Scheduled Tribes (Prevention of Atrocities) Act, 1989 [“SC/ST Act”], and Sections 115(2)/74/64(1)/309(1)/126(2)/351(2)/79/3(5) of the Bharatiya Nyaya Sanhita, 2023 [“BNS”], and all proceedings emanating therefrom, on the ground of settlement.

2. I have heard Mr. Kunal Vashisht, learned counsel for the petitioner, Mr. Sanjay Lao, learned Senior Counsel for the State, and Ms. Vibhuti Zibbu, learned counsel for respondent No. 2 - complainant.

3. The petitioner is one of the several accused in the subject FIR, and allegations therein include offences under Section 3 of SC/ST Act, an offence of rape under Section 64(1) of BNS, an injury caused to a two-year-old child, and threats extended to witnesses warning them against testifying in the case.

4. Mr. Vashisht submits that although there was an altercation between the petitioner and other accused, involving the family of respondent No. 2, the allegations made in the FIR are exaggerated and excessive. He, in fact, submits that respondent No. 2 does not belong to the category of SC/ST, and the aforesaid allegations are therefore not made out at all.

5. Mr. Lao, on the other hand, submits that the investigation is still at an extremely nascent stage, with the subject FIR having been registered only on 01.08.2026. He submits that respondent No. 2 has not come forward to join the investigation, and the material establishing her demographic status has therefore not been placed before the Investigating Officer [“IO”]. Mr. Lao further submits that a statement of respondent No. 2 under Section 183 of the Bharatiya Nagarik Suraksha Sanhita, 2023 [“BNSS”] is also yet to be recorded.



6. Having regard to the controversies, Mr. Lao submits that the IO will have the statement of respondent No. 2 under Section 183 of BNSS recorded expeditiously, and in any event, within five days from today.

7. After recording of the statement of respondent No. 2, and completion of any such investigation which the IO considers necessary, the IO will take a decision with regard to the filing of a chargesheet, including the sections under which any of the accused are liable to be prosecuted, if any.

8. In view of the above, Mr. Vashisht, does not press this petition at this stage, but reserves the rights and contentions of the petitioner before the Trial Court.

9. The writ petition stands disposed of, in terms of the aforesaid.

PRATEEK JALAN, J

SEPTEMBER 2, 2026

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