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

+ **W.P.(CRL) 783/2025**

SACHIN KAUSHIK

.....Petitioner

Through: Mr. Yogesh Dass, Ms. Anjali and
Mohd. Shahbal Ahmed, Advocates

versus

STATE OF NCT OF DELHI AND ANR

.....Respondents

Through: Mr. Sanjeev Bhandari, ASC with
Mr. Arjit Sharma and Mr. Nikunj
Bindal, Advocates with SI Kajal,
PS: Seemapuri

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

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12.03.2025

CRL.M.A. 7287/2025 (for exemption)

1. The application is allowed, subject to all just exceptions.
2. Accordingly, the application is disposed of.

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3. The petitioner vide the present petition under Article 226 of the Constitution of India read with Section 528 of Bharatiya Nagrik Suraksha Sanhita, 2023 (BNSS) and Section 482 Code of Criminal Procedure, 1973 (Cr. P.C.), seeking quashing of FIR bearing no. 35/2025 dated 09.01.2025, under Sections 74/3(5) of Bharatiya Nyaya Sanhita (BNS), 2023 registered at PS: Seema Puri, Delhi and all proceedings emanating therefrom in view of the Memorandum of Understanding dated



25.02.2025 entered between the petitioner and the respondent no.2

4. The present application is accompanied by the said Memorandum of Understanding dated 25.02.2025 [Annexure-P2 (Colly)] and is also supported by their identity cards.

5. Additionally, both petitioner and respondent no.2 present in Court have been identified by the Investigating Officer. Moreover, the credentials of both petitioner as also respondent no.2, as on record, have also been duly verified by the Investigating Officer.

6. Issue notice.

7. Learned ASC for the State accepts notice and submits that he has no objections to the quashing of the aforesaid FIR.

8. Learned counsel for the respondent no.2 also accepts notice. Respondent no.2 affirms the Memorandum of Understanding dated 25.02.2025 and submits that she has voluntarily, without any pressure and/or coercion of any kind, settled all disputes with the petitioner as also since she does not wish to pursue the criminal proceedings against the petitioner, she has no objection to the quashing of the present FIR.

9. Upon consideration of the existing peculiar facts and the overall events unfolding in their entirety, even though this Court is mindful that the FIR has been registered under Sections 74/3(5) of Bharatiya Nyaya Sanhita, 2023, this Court is inclined to quash the present FIR in exercise of its inherent powers under Section 528 of BNSS, 2023 particularly when the same is in the interest of justice and will also be in the interest of the parties and betterment of their future. Further, since a settlement has been arrived at between the parties, and as the respondent no.2 does not wish to continue with the present criminal proceedings, in order to bring a quietus



to the present disputes and following the law laid down by the Hon'ble Supreme Court in *Gian Singh vs. State of Punjab & Anr.* (2012) 10 SCC 303 and *Narinder Singh & Ors. vs. State of Punjab & Anr.* (2014) 6 SCC 466 and as also held by a Co-ordinate Bench of this Court in *Shyam Kishore Singh vs. Govt. NCT of Delhi*, 2023 SCC OnLine Del 4072, this Court is of the opinion that continuation of the aforesaid FIR will be an exercise in futility.

10. Accordingly, the present petition is allowed and FIR bearing no.35/2025 dated 09.01.2025, under Sections 74/3(5) of the BNS registered at PS: Seema Puri, Delhi and all proceedings emanating therefrom are quashed.

11. The petition stands disposed of.

SAURABH BANERJEE, J

MARCH 12, 2025/So