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

+ CRL.M.C. 3688/2025 & CRL.M.A. 16221/2025

SHYAMAL @ SAIMUL @ SHYAMAL
MAHALDAR

.....Petitioner

Through: Mr. Sachin Kaushik, Adv. with
Petitioner in person.

versus

STATE GOVT. OF NCT OF DELHI AND ORS.Respondents

Through: Mr. Satish Kumar, APP for State with
Ms. Puja Mann, Adv.

SI Maya Shankar, PS Preet Vihar

SI Madanpal

Mr. Nitin Saluja, Adv. (DHCLSC) for R-2.

Respondents no.2 & 3 (through VC)

CORAM:

HON'BLE MR. JUSTICE AJAY DIGPAUL

ORDER

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17.09.2025

1. The instant petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter "BNSS") has been filed by the petitioner praying for quashing of FIR No. 40/2019 registered at Police Station – Preet Vihar, for offences punishable under Sections 363 (Chargesheet includes Section 366 IPC as well) of the Indian Penal Code, 1860 (hereinafter "IPC").

2. The brief facts of the case are that on 04.03.2019 respondent no. 2 along with her sister and cousin went to Nirman Vihar, Delhi. While her sister and cousin returned home, Respondent no. 2 went missing.



Respondent no. 3 registered an FIR against the petitioner on a suspicion that he may have lured and kidnapped respondent no. 2.

3. Learned counsel appearing on behalf of the petitioner submitted that charges have been framed and the chargesheet has already been filed against the petitioner. It is submitted that the petitioner and respondents no. 2 & 3 have settled their disputes amicably and are now moving forward towards a peaceful and harmonious future. It is further submitted that the petitioner and respondent no. 2 got married on 23.02.2025 and are living together now.

4. Settlement deed dated 23.04.2025 is on record and has been annexed as “Annexure B”. Through this deed, respondent no. 3 has agreed to withdraw the case arising out of FIR No.40/2019 registered at Police Station – Preet Vihar against the petitioner.

5. It is prayed by the learned counsel appearing on behalf of the parties that the instant FIR may be quashed on the basis of the deed.

6. Learned APP for the State, who appears on advance notice, accepts notice and submits that there is no opposition to the prayer made by the petitioner seeking quashing of the FIR in question in view of the settlement arrived at between the parties.

7. Heard learned counsel for the parties and perused the record.

8. The petitioner is present before this Court and has been identified by his counsel and Investigating Officer, Police Station – Preet Vihar. Respondents no. 2 & 3 are also (virtually) present in the Court and have been identified by their counsel and the Investigating Officer.

9. On a query made by this Court, respondents no. 2 & 3 have categorically stated that they have entered into compromise on their own



free will and without any pressure. It is also stated by them that the entire dispute has been amicably settled between the parties.

10. Keeping in view the fact that the matter stands settled between the petitioner and respondents no. 2 & 3 amicably and without any pressure, no fruitful purpose would be served by keeping the matter pending.

11. It is, thus, in the interest of justice to quash the afore-mentioned FIR and the proceedings emanating therefrom.

12. Hence, in light of the judgment of the Hon'ble Supreme Court passed in ***Gian Singh vs. State of Punjab* (2012) 10 SCC 303**, FIR no. 40/2019 registered at Police Station – Preet Vihar, for offences punishable under Sections 363 of the IPC (with Section 366 of the IPC being added in the chargesheet on record), and all consequent proceedings emanating therefrom, stands quashed *qua* the present petitioner.

13. The petition along with pending application(s), if any, stands disposed of.

AJAY DIGPAUL, J

SEPTEMBER 17, 2025/AS/av