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

+ CRL.M.C. 2646/2026, CRL.M.A. 10751/2026, CRL.M.A. 10752/2026

SMT.JASPREET KAUR

.....Petitioner

Through: Mr. Arvind Dhingra, Mr. Rakesh Bhalia, Mr. Sunny Gahlot, Mr. Chander Sheker and Mr. Sahil Kalra, Advs.

versus

STATE (GOVT. OF NCT OF DELHI & ORS.Respondents

Through: Mr. Satish Kumar, APP with Mr. Aditya Vikram Singh, Ms. Upasana Bakshi and Ms. Divya Bakshi, Advs.
Ms. Sanchita Jain, Adv. for R-2 and 3 (Through VC)
SI- Rahul, PS: Saket

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

09.04.2026

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1. By virtue of the present petition under *Section 528* of the Bharatiya Nagarik Suraksha Sanhita, 2023, the petitioner seeks the following reliefs:

“(a) *EXERCISE its inherent jurisdiction under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 and its supervisory jurisdiction under Article 227 of the Constitution of India;*

(b) *QUASH and SET ASIDE the order dated 23.03.2026 passed by the Sub-Divisional Magistrate/Executive Magistrate, Mehrauli, New Delhi in proceedings under Section 164 / 165 BNSS ('the SDM Order');*



(c) *QUASH and SET ASIDE the order dated 25.03.2026 passed by the Additional Sessions Judge-06 (South), Saket Courts, New Delhi in Criminal Revision No. 128/2026 ('the Sessions Court Order');*

(d) *QUASH the entire proceedings purportedly under Sections 164/165 BNSS before the SDM/Executive Magistrate, Mehrauli, as being void ab initio, without jurisdiction, and an abuse of the process of court;*

(e) *DIRECT immediate restoration of the status quo ante in respect of D-204, Saket, New Delhi -110017, by directing Respondents No. 2 & 3, their agents, servants, and all persons claiming under them, to forthwith hand over the keys of the said property to the custody of the SHO/Receiver/Malkhana of P.S. Saket, Delhi;*

(f) *DIRECT Respondents No.2 & 3 to forthwith restore to the custody of this Hon'ble Court or the SHO, P.S. Saket, all original title deeds, conveyance deeds, bank documents, Fixed Deposit receipts, cheque books, bank locker keys, share certificates, LIC policy documents, jewellery, cash, and all other movable articles and estate assets of the Deceased removed from the Saket Property on or after 23.03.2026;*

(g) *DIRECT the SHO, P.S. Saket, and all concerned banks, financial institutions, depositories, and the Sub-Registrar, Hauz Khas, not to act upon any representation, letter, or instruction of Respondents No.2 & 3 relying upon the SDM Order or the alleged Will, pending disposal of this Petition;*

(h) *APPOINT a Court Commissioner/ Receiver to: (i) prepare a complete inventory of all articles, documents, valuables, cash, jewellery, and contents of bank lockers at D-204, Saket, New Delhi and all other estate properties; and (ii) take such articles into safe custody pending further orders;*

(i) *PASS an ad-interim/ interim ex-parte order in terms of prayers (e), (f), (g), and (h) above, pending hearing and final disposal of this Petition;*

j) *AWARD costs of this Petition against Respondents No. 2 & 3; and*

(k) *PASS such other and further orders as this Hon'ble Court may deem just, equitable, and necessary in the facts and circumstances of this case to prevent abuse of process and to secure the ends of justice."*



2. After some arguments, learned counsel for the petitioner seeks to withdraw the present petition with liberty to file the same afresh since, due to sheer inadvertence, the SDM against whom various grounds and reliefs have been raised/ sought for in the present petition has not been impleaded as a party.

3. The present petition, alongwith pending applications, is dismissed as withdrawn with liberty as prayed for.

SAURABH BANERJEE, J

APRIL 9, 2026/Ab