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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
% **Date of Decision: 06th January, 2026**

+ W.P.(CRL) 32/2026 & CRL.M.A. 249/2026

PRABH DAWER

.....Petitioner

Through: Mr. Abhishek Baisoya, Advocate
versus

STATE NCT OF DELHI AND ANR

.....Respondents

Through: Mr. Yasir Rauf Ansari, ASC along
with respondent with SI Vinay.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

JUDGMENT (oral)

1. The present petition has been filed under Article 226 of Constitution of India read with Section 526 BNSS, seeking quashing of proceedings arising out of FIR No. 492/2025 dated 28.09.2025 registered under Sections 304(2) and 3(5) BNS, at P.S: Lajpat Nagar, along with all proceedings emanating therefrom.
2. The aforesaid FIR came to be registered on the complaint of Mr. Avik Gupta, who was working as 'Billing Executive' at a mobile shop known as "Mobile Hub".
3. As per the allegations appearing in the FIR, the accused, posing as a customer, visited the said shop to buy Apple watch, air pods and adapter.
4. The accused, initially, expressed his willingness to make the payment through credit card. However, when payment through card could not be processed, he requested the complainant to step outside the shop so that he can make payment in cash.
5. When the complainant, acceding to the said request, came out, the accused, instead of making any payment, snatched all the articles from the



hands of the complainant and fled from the spot.

6. As per the initial allegations, it seems that there was complicity of more than one person, however, in his supplementary statement made to the police on a later date, complainant clarified that there was no other accomplice.

7. The petitioner herein has already been arrested and the articles in question have also been recovered. The recovered articles were duly identified in judicial TIP and have since been restored back to the owner of the mobile shop i.e. Mr. Alimuddin, who has also joined the proceedings through *video-conferencing*.

8. The complainant is present before the Court in person and has been duly identified by the IO.

9. The matter has been amicably settled between the parties and terms of settlement are recorded in *Memorandum of Understanding* (MoU) dated 17.11.2025.

10. Both the complainant and owner of the shop, have stated that they would have no objection if the present FIR is quashed. Upon a Court query, they both acknowledged that the settlement is completely voluntary in nature and there is no threat, pressure or undue influence from any corner whatsoever.

11. The terms of MoU have been reiterated by the complainant as well as Mr. Alimuddin through MoU is signed by Mr. Avik Gupta and not by Mr. Alimuddin.

12. However, as admitted by IO who is present in the Court, the articles in question have been released to the owner through complainant Mr. Avik Gupta.

13. The accused is, reportedly, 29 years of age and appears to be



remorseful for his conduct and assures that he would not indulge in any such activity in future. The offence in question invites maximum sentence of three years.

14. Keeping in mind the overall facts and young age of petitioner, FIR No. 492/2025 dated 28.09.2025 registered under Sections 304(2) and 3(5) BNS at P.S: Lajpat Nagar, along with all consequential proceedings emanating therefrom, is hereby, quashed subject to further condition that the petitioner shall deposit cost of Rs. 10,000/- with Delhi High Court Legal Services Committee within one week and shall place on record the receipt thereof within further three days.

15. The petition stands disposed of in aforesaid terms.

16. Pending application also stands disposed of.

(MANOJ JAIN)
JUDGE

JANUARY 6, 2026/sw/sa