

IN THE COURT OF [DESIGNATION OF THE PRESIDING OFFICER], [PLACE]

[CASE TYPE] No. ____ of 20__

[NAME OF PLAINTIFF / PETITIONER / COMPLAINANT]... Plaintiff / Petitioner /
Complainant

Versus

[NAME OF DEFENDANT / RESPONDENT / ACCUSED]... Defendant / Respondent /
Accused

Next date of hearing: [DATE]

**APPLICATION FOR WITHDRAWAL OF THE [SUIT / PETITION / COMPLAINT]
[UNDER ORDER XXIII RULE 1 CPC / SECTION 280 OF THE BHARATIYA
NAGARIK SURAKSHA SANHITA, 2023 (SECTION 257 CrPC) [verify section]]**

Respectfully showeth:

1. That the applicant filed the above-noted [suit / petition / complaint] on [DATE].
2. That [the parties have amicably settled the matter on __ / the applicant does not wish to pursue it for __ reasons].
3. [If liberty is sought: That the [suit] suffers from a formal defect, namely __, or there are sufficient grounds for allowing the applicant to file a fresh suit on the same subject matter, under Order XXIII Rule 1(3) CPC.]
4. That the applicant is making this application voluntarily, without any pressure or coercion.
5. That the proceeding is [civil suit / other identified instrument], and the applicant requests [unconditional withdrawal / withdrawal with liberty to institute afresh]. The selected route and statutory power are [details].
6. That [if fresh-suit liberty is sought] the formal defect or sufficient ground under Order XXIII Rule 1(3) is [specific defect and effect]; the proposed fresh proceeding and limitation position under Rule 2 are disclosed. Liberty does not itself restart limitation.
7. That counterclaims, accrued rights, interim orders, costs and multiple plaintiffs are [particulars]. Consent of other plaintiffs where required and treatment of counterclaims are expressly addressed.
8. That the effect sought is [precise terms]. [For a criminal complaint: do not use the civil withdrawal provision; identify the lawful complaint-withdrawal, compounding, prosecution-withdrawal or quashing route, the competent actor and necessary permission.]

PRAYER

It is, therefore, respectfully prayed that the applicant may kindly be permitted to withdraw the [suit / petition / complaint] [with liberty to file a fresh one on the same cause of action], and the same may be dismissed as withdrawn.

Place: [PLACE] Date: [DATE]

APPLICANT Through [NAME OF ADVOCATE] Advocate Enrolment No. [__]

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AFFIDAVIT

Affidavit of [NAME OF DEPONENT], [S/o / D/o / W/o] [NAME], aged about [____] years,
resident of [FULL ADDRESS WITH PIN CODE].

I, the above-named deponent, do hereby solemnly affirm and declare as under:

1. That the deponent is competent to swear this affidavit and the accompanying [suit /
petition / application] has been drafted by counsel on the deponent's instructions. Its
contents have been read over and explained in [LANGUAGE], understood by the
deponent, and are incorporated as part and parcel of this affidavit; the factual statements
are true to the deponent's knowledge or identified records, and legal submissions are
based on advice believed to be true.
2. That [no same or similar suit / petition / application on the same cause of action has been
filed / the following prior or pending proceedings, outcomes and orders are fully
disclosed: ____]. Nothing material has been concealed.

DEPONENT

VERIFICATION

Verified at [PLACE] on [DATE] that paragraphs 1 and 2 above are true and correct to my knowledge and
identified records, with legal submissions based on advice believed true. Nothing material has been concealed.

DEPONENT

Note: To be sworn before an Oath Commissioner / Notary Public and stamped as required by the applicable
rules.

PREPARATION AND JUDGMENT APPLICATION

Updated 11 October 2026. Complete every material fact, retain only supported alternatives, and renumber before filing. These notes support professional adaptation; they do not supply missing evidence or guarantee relief.

Filing and relief checks. Split civil withdrawal from criminal disposal. A private complainant cannot simply withdraw every FIR prosecution; a settlement and a withdrawal request have different legal effects. Specify whether fresh-proceeding liberty is sought.

Before relying on any authority, compare the material facts, procedural stage, statutory version and precise relief; check subsequent treatment and applicable local practice. Keep the authority note separate from the signed pleading. For criminal procedure, determine Section 531 BNSS savings rather than select the code solely from the alleged offence date.