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

\+ W.P.(CRL) 1986/2026

ISHTIAQ .....Petitioner

Through: Mr. Akshay Bedi, Advocate along with petitioner.

versus

THE STATE GNCT OF DELHI & ORS. & ORS. .....Respondents

Through: Ms. Rupali Bandhopadhya, ASC for R-1-State.
Mr. Shoaib and Mr. Shakti, Advocates for R-2 and 3.

CORAM:
HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

O R D E R

% 10.07.2026

1. The petitioner herein is seeking quashing of FIR No. 734/2025 dated 13.12.2025, registered at Police State North Rohini, Delhi, for commission of offences under Section 137(2) of the Bharatiya Nyaya Sanhita, 2023 (BNS) and Section 6 of the Protection of Children from Sexual Offences Act, 2012 (POCSO Act), along with all consequential proceedings arising therefrom.

2. The facts of the case would indicate that the prosecutrix i.e. respondent no.3 along with her father i.e. respondent no. 2 and her mother shifted from the State of Bihar to Delhi in the month of July, 2025 for the treatment of prosecutrix's mother, who was suffering from advanced-stage

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cancer and the family temporarily started residing at C-34, Naharpur, Sector-7, Rohini, Delhi.

3. Owing to deteriorating health condition of the prosecutrix's mother, the treating doctors had advised that she be shifted back to Bihar for palliative care. The family seems to have undergone severe emotional distress and while the family was still residing at aforementioned address, the prosecutrix had gone back to Bihar. Since the prosecutrix did not inform her father, therefore, an FIR of missing person had been lodged by the father i.e. respondent no. 2 at P.S. North Rohini registered as FIR No. 734/2025.

4. When the investigation about the missing complaint was carried out, it was found that in interregnum, the prosecutrix got married to the petitioner and at the time of medico-legal examination, she was found to be pregnant following which provisions related to sexual offences under BNS and POCSO Act were invoked in the impugned FIR.

5. The petitioner and prosecutrix i.e. respondent no. 2 is present along with her father i.e. respondent no.3. The parties have been identified by the Investigating Officer as well as the respective counsel appearing on behalf of parties.

6. The parties jointly submit that the marriage between the petitioner and prosecutrix was arranged and was organized in short while as per the last wish of prosecutrix's mother. These factual assertions are unequivocally admitted by the petitioner and respondent no.2 and respondent no.3.

7. The Court, thus, does not find any element of abduction or forceful sexual offence.

8. In view of the settlement arrived at between the parties, continuing with criminal proceedings would serve no useful purpose. In any case, even

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the complainant as well as prosecutrix does not wish to press any charges.

9. Under the circumstances and looking to the decision of the Supreme Court in the case of ***Gian Singh vs. State of Punjab & Another***[1], the Supreme Court *vide* paragraph no.61 has held as under:-

> "61. *The position that emerges from the above discussion can be summarised thus: the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences under Section 320 of the Code. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz. : (i) to secure the ends of justice, or (ii) to prevent abuse of the process of any court. In what cases power to quash the criminal proceeding or complaint or FIR may be exercised where the offender and the victim have settled their dispute would depend on the facts and circumstances of each case and no category can be prescribed. However, before exercise of such power, the High Court must have due regard to the nature and gravity of the crime. Heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. cannot be fittingly quashed even though the victim or victim's family and the offender have settled the dispute. Such offences are not private in nature and have a serious impact on society. Similarly, any compromise between the victim and the offender in relation to the offences under special statutes like the Prevention of Corruption Act or the offences committed by public servants while working in that capacity, etc.; cannot provide for any basis for quashing criminal proceedings involving such offences. But the criminal cases having overwhelmingly and predominatingly civil flavour stand on a different footing for the purposes of quashing, particularly the offences arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry, etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In this category of cases, the High Court may quash the criminal proceedings if in its view, because of the compromise between the offender and the victim, the possibility of conviction is remote and bleak and continuation of the criminal case would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceeding*

[1] (2012) 10 SCC 303

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or continuation of the criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between the victim and the wrongdoer and whether to secure the ends of justice, it is appropriate that the criminal case is put to an end and if the answer to the above question(s) is in the affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding."

10. It is trite law that the High Court while exercising its powers under Section 528 of the Bhartiya Nagarik Suraksha Sanhita, 2023 ('BNSS') (erstwhile Section 482 of the Code of Criminal Procedure, 1973) can compound offences which are non compoundable on the ground that there is a compromise between the accused and the complainant. The Apex Court has laid down parameters and guidelines for High Court while accepting settlement and quashing the proceedings. In the case of ***Narinder Singh & Ors. V. State of Punjab & Anr.***[2], the Supreme Court had observed as under:-

"*29. In view of the aforesaid discussion, we sum up and lay down the following principles by which the High Court would be guided in giving adequate treatment to the settlement between the parties and exercising its power under Section 482 of the Code while accepting the settlement and quashing the proceedings or refusing to accept the settlement with direction to continue with the criminal proceedings:*

29.1. Power conferred under Section 482 of the Code is to be distinguished from the power which lies in the Court to compound the offences under Section 320 of the Code. No doubt, under Section 482 of the Code, the High Court has inherent power to quash the criminal proceedings even in those cases which are not compoundable, where the parties have settled the matter between themselves. However, this power is to be exercised sparingly and with caution.

29.2. When the parties have reached the settlement and on that basis petition for quashing the criminal proceedings is filed, the guiding factor in such cases would be to secure:

(i) ends of justice, or

(ii) to prevent abuse of the process of any court. While exercising the power the High Court is to form an opinion on either of the aforesaid two objectives.

[2] (2014) 6 SCC 466

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29.3. Such a power is not to be exercised in those prosecutions which involve heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. Such offences are not private in nature and have a serious impact on society. Similarly, for the offences alleged to have been committed under special statute like the Prevention of Corruption Act or the offences committed by public servants while working in that capacity are not to be quashed merely on the basis of compromise between the victim and the offender.

29.4. On the other hand, those criminal cases having overwhelmingly and predominantly civil character, particularly those arising out of commercial transactions or arising out of matrimonial relationship or family disputes should be quashed when the parties have resolved their entire disputes among themselves.

29.5. While exercising its powers, the High Court is to examine as to whether the possibility of conviction is remote and bleak and continuation of criminal cases would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal cases.

29.6. Offences under Section 307 IPC would fall in the category of heinous and serious offences and therefore are to be generally treated as crime against the society and not against the individual alone. However, the High Court would not rest its decision merely because there is a mention of Section 307 IPC in the FIR or the charge is framed under this provision. It would be open to the High Court to examine as to whether incorporation of Section 307 IPC is there for the sake of it or the prosecution has collected sufficient evidence, which if proved, would lead to proving the charge under Section 307 IPC. For this purpose, it would be open to the High Court to go by the nature of injury sustained, whether such injury is inflicted on the vital/delicate parts of the body, nature of weapons used, etc. Medical report in respect of injuries suffered by the victim can generally be the guiding factor. On the basis of this prima facie analysis, the High Court can examine as to whether there is a strong possibility of conviction or the chances of conviction are remote and bleak. In the former case it can refuse to accept the settlement and quash the criminal proceedings whereas in the latter case it would be permissible for the High Court to accept the plea compounding the offence based on complete settlement between the parties. At this stage, the Court can also be swayed by the fact that the settlement between the parties is going to result in harmony between them which may improve their future relationship.

29.7. While deciding whether to exercise its power under Section 482 of the Code or not, timings of settlement play a crucial role. Those cases where the settlement is arrived at immediately after the alleged commission of offence and the matter is still under investigation, the High Court may be liberal in accepting the settlement to quash the criminal

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proceedings/investigation. It is because of the reason that at this stage the investigation is still on and even the charge-sheet has not been filed. Likewise, those cases where the charge is framed but the evidence is yet to start or the evidence is still at infancy stage, the High Court can show benevolence in exercising its powers favourably, but after prima facie assessment of the circumstances/material mentioned above. On the other hand, where the prosecution evidence is almost complete or after the conclusion of the evidence the matter is at the stage of argument, normally the High Court should refrain from exercising its power under Section 482 of the Code, as in such cases the trial court would be in a position to decide the case finally on merits and to come to a conclusion as to whether the offence under Section 307 IPC is committed or not. Similarly, in those cases where the conviction is already recorded by the trial court and the matter is at the appellate stage before the High Court, mere compromise between the parties would not be a ground to accept the same resulting in acquittal of the offender who has already been convicted by the trial court. Here charge is proved under Section 307 IPC and conviction is already recorded of a heinous crime and, therefore, there is no question of sparing a convict found guilty of such a crime."

11. The reference can be made to the decision dated 16.04.2026 passed by this Court in the case of ***Harmeet Singh vs. State of GNCT Delhi And Anr.***[3]. This Court in the said case in paragraph no. 36, has held as under:

"*36. This court is of the view, that though quashing of criminal proceedings under the POCSO Act is not anathema to the law, such quashing demands careful and sensitive consideration of the fact situation. When examining a plea for quashing of an offence under the POCSO Act based on the consent of a de-juré victim, the court must carefully evaluate the reasons as to why the victim disclaims any loss or injury to her and must record its satisfaction inter-alia on the following aspects :*

36.1. Based on the circumstances of a given case, the court must be satisfied that in granting a „no-objection" to the quashing of criminal proceedings, the de-juré victim is genuinely acting on her own free will and volition and has not been misled, pressurised or deceived into offering such no-objection;

36.2. Whether the de-juré victim has taken a consistent stand in favour of closing the case from the inception of the criminal proceedings, and has disclaimed that she has suffered any loss or injury at the hands of the offender;

36.3. Whether the circumstances of the case justify an inference that the

[3] 2026:DHC:3142

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acts or omissions that the parties have indulged in, were volitional on the part of the de-juré victim;
36.4. Whether the marriage or other arrangement, based on which the offender and the de-juré victim are seeking closure of criminal proceedings, evokes confidence on the part of the court; or does it appear to be a ruse or stratagem of the offender to evade conviction and punishment;
36.5. Whether the parties have been living together as a family for a length of time; and whether children are born to the parties, whose future would also be impacted by a decision not to quash the criminal proceedings;
36.6. Whether the offender is alleged to have committed any violence or brutality on the de-juré victim; or has committed any other act or omission that points to the absence of genuine volition on the part of the de-juré victim; and if so, is there any medical and other forensic evidence to show such conduct on the offenders part;
36.7. What was the respective age of the offender and the de-juré victim at the relevant time; whether both were minor; and what are the ramifications of the relative age difference and minority;
36.8. This court would hasten to add, that the aforementioned considerations are only suggestive and far from exhaustive; and before quashing any criminal proceedings under the POCSO Act, the court must interact with the parties and arrive at a subjective satisfaction that the quashing of the case is warranted on larger considerations of justice and to prevent abuse of the process of law, as discussed above; and
36.9. Ultimately, the decision to quash criminal proceedings under the POCSO Act must be founded on the best interests of the de-juré victim and the children, if any, born from the union of the parties."

12. It is, thus, seen that the quashment of the FIR filed under POCSO Act is permissible; however, the same is circumscribed by careful and sensitive consideration of the facts and situation.

13. The Supreme Court in the case of ***Ashish vs. State of Rajasthan and Anr.,***[4] quashed the FIR where the provisions of POCSO Act were invoked. Reference can be made to paragraph nos. 13 and 14 thereof, which are extracted as under:

"*13. Therefore, in the peculiar facts and circumstances of this case, and*

[4]Special Leave Petition (Crl.) No. 19215/2025 order dated 12.02.2026

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> *taking into account the categorical stand of the appellant and respondent no. 3 that the matter stands resolved, we find this to be a fit case for exercise of our powers under Article 142 of the Constitution of India. Continuation ofthe criminal proceedings would serve no useful purpose and would amount to an abuse of process.*
> *14. Accordingly, the appeal is allowed. I.A. No. 41183/2026 is allowed. The impugned order of the High Court dated 17th October 2025 is set aside. Invoking our powers under Article 142 of the Constitution of India, FIR No. 410/2023 dated 25th May 2023 and FIR No. 40/2023 dated 15th September 2023, registered at P.S. Beawar City, Ajmer, and all consequent proceedings arising therefrom, stand quashed*."

14. No doubt, the Supreme Court, in the aforesaid case, exercised its powers under Article 142 of the Constitution of India. However, this Court, in exercise of its inherent powers under Section 528 of the BNS, 2023 (erstwhile Section 482 of the Code of Criminal Procedure, 1973), read with Article 226 of the Constitution of India, can certainly quash an FIR where it is satisfied that the continuation of the criminal proceedings would be wholly unwarranted and an abuse of the process of law.

15. If the facts and circumstances of the instant case are examined in their proper perspective, this Court is fully satisfied that no useful purpose would be served by permitting the proceedings arising out of the aforesaid FIR to culminate in a trial. Continuation of such proceedings would only result in an unnecessary burden, not only upon the petitioner and the private respondents, but also upon the State machinery.

16. Accordingly, exercising inherent powers vested in this Court under Section 528 of the BNSS, it is deemed appropriate to quash the instant FIR.

17. Consequently, to secure ends of justice, the FIR No. 734/2025 under Section 137(2) of the BNSS and Section 6 of the POCSO Act registered at Police State North Rohini, Delhi and all consequential proceedings emanating therefrom against the petitioner, are hereby, quashed

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18. The petition stands disposed of in aforesaid terms.

19. Pending application also stands disposed of.

PURUSHAINDRA KUMAR KAURAV, J

JULY 10, 2026
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