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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% **Date of Decision: 22nd September, 2026**# **CNR No. DLHC010304182026**+ **CRL.M.C. 4912/2026****AMIT @ AMIT KHAN**

.....Petitioner

Through: **Mr. Sidharth Yadav, Adv.**
Mob: 9910011189

versus

STATE OF NCT OF DELHI AND ANR.

.....Respondents

Through: **Mr. Shoaib Haider, APP**

Mob: 9899723716

Email:

shoaibhaideradvocate@gmail.comMs. Anushkaa Arora, Standing
Counsel, Delhi High Court Legal
Services Committee ("DHCLSC"),
Amicus Curiae for R-2

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Email: legal@abalawoffice.in

Mr. Gajraj, SI, PS RK Puram

Mob: 7737540920

CORAM:**HON'BLE MS. JUSTICE MINI PUSHKARNA****MINI PUSHKARNA, J. (ORAL):**

1. By way of the present petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ("BNSS"), corresponding to Section 482 of the Code of Criminal Procedure, 1973 ("CrPC"), the petitioner seeks quashing of *FIR 168/2024* dated 07th June, 2024, under Sections 323/376 of the Indian Penal Code, 1860 ("IPC"), registered at Police Station ("PS")



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R.K. Puram, South West, Delhi, on the ground of a settlement between the parties.

2. The present petition has been taken up for disposal with the consent of the parties.

3. I have heard Mr. Sidharth Yadav, learned counsel for the petitioner, and Mr. Shoaib Haider, learned Additional Public Prosecutor (“APP”) for the State, as well as the complainant, i.e., respondent no. 2, who is represented by learned *Amicus*, i.e., Ms. Anushkaa Arora, Standing Counsel, Delhi High Court Legal Services Committee (“DHCLSC”).

4. As per the impugned FIR, the petitioner and respondent no. 2 were introduced to each other by a co-worker of respondent no. 2. It has been alleged that on one occasion, the petitioner gave respondent no. 2 a cold drink, shortly after consuming the same, she lost consciousness, and the petitioner had engaged in sexual activity with her without her consent. The FIR further alleges that the petitioner had abducted respondent no. 2 from her home on two occasions and repeatedly blackmailed her using obscene videos, which he had recorded of him committing the alleged sexual acts upon respondent no. 2. It has also been alleged that the petitioner is already married and has two children from the said marriage, and he, along with his wife, coerces young women into committing illicit acts.

5. Upon completion of the investigation, a Chargesheet dated 06th August, 2024, was filed by the Investigating Officer (“IO”), under Sections 323, 328 and 376 of the IPC, before the Additional Sessions Judge (“ASJ”), Patiala House Court, Delhi.

6. The present petition seeking quashing of the impugned FIR is premised out of a Memorandum of Understanding (“MoU”) dated 03rd July,



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2026 executed between the petitioner and respondent no. 2, whereby, the petitioner has undertaken full responsibility of respondent no. 2 and the child of the said parties. The said MoU also records the no-objection of respondent no. 2 to the quashing of the impugned FIR.

7. Learned *Amicus*, appearing for respondent no. 2, submits that the parties have been residing together after 2024. It is further submitted that she has interacted with respondent no. 2 extensively, and that respondent no. 2 does not wish to pursue the present matter any further.

8. This Court is informed that the petitioner is already married, however, he is not living with his wife.

9. This Court is further informed that there is also a baby, which has been born on account of the relationship between the petitioner and respondent no. 2.

10. Learned *Amicus* for respondent no. 2 submits that she has extensively discussed with respondent no. 2 and also counselled her. She submits that on account of the desire of respondent no. 2 to give a good future for her baby and in the interest of baby, who is only of two months of age, respondent no. 2 does not wish to pursue the present matter any further.

11. Learned *Amicus* for respondent no. 2, in terms of the last directions, has filed a No-Objection Affidavit dated 06th July, 2026 of respondent no. 2.

12. She has handed over to this Court, attested copy of the said No-Objection Affidavit of respondent no. 2 in original, in English as well as Hindi language, which are taken on record.

13. As per the said No-Objection Affidavit, respondent no. 2 has categorically stated that she has settled with the petitioner, without any fear and coercion and on account of her freewill.



14. This Court has interacted with the respondent no. 2, who submits that she is staying happily with the petitioner and in the interest of the minor baby, she does not wish to pursue the matter any further.

15. In light of the aforesaid, the parties seek quashing of the impugned FIR.

16. It is well settled that this Court, in exercise of its inherent powers, may quash criminal proceedings even in cases involving non-compoundable offences where the parties have arrived at a settlement. However, the Supreme Court has cautioned that such power must be exercised with circumspection, particularly where the allegations concern offences of a serious or heinous nature. In *Gian Singh Versus State of Punjab and Another, (2012) 10 SCC 303*, the Supreme Court elaborated upon the scope and limitations of the High Court's inherent jurisdiction. The relevant extracts are reproduced below:

“xxx xxx xxx

58. Where the High Court quashes a criminal proceeding having regard to the fact that the dispute between the offender and the victim has been settled although the offences are not compoundable, it does so as in its opinion, continuation of criminal proceedings will be an exercise in futility and justice in the case demands that the dispute between the parties is put to an end and peace is restored; securing the ends of justice being the ultimate guiding factor. No doubt, crimes are acts which have harmful effect on the public and consist in wrongdoing that seriously endangers and threatens the well-being of the society and it is not safe to leave the crime-doer only because he and the victim have settled the dispute amicably or that the victim has been paid compensation, yet certain crimes have been made compoundable in law, with or without the permission of the court. **In respect of serious offences like murder, rape, dacoity, etc., or other offences of mental depravity under IPC or offences of moral turpitude under**



special statutes, like the Prevention of Corruption Act or the offences committed by public servants while working in that capacity, the settlement between the offender and the victim can have no legal sanction at all. However, certain offences which overwhelmingly and predominantly bear civil flavour having arisen out of civil, mercantile, commercial, financial, partnership or such like transactions or the offences arising out of matrimony, particularly relating to dowry, etc. or the family dispute, where the wrong is basically to the victim and the offender and the victim have settled all disputes between them amicably, irrespective of the fact that such offences have not been made compoundable, the High Court may within the framework of its inherent power, quash the criminal proceeding or criminal complaint or FIR if it is satisfied that on the face of such settlement, there is hardly any likelihood of the offender being convicted and by not quashing the criminal proceedings, justice shall be casualty and ends of justice shall be defeated. The above list is illustrative and not exhaustive. Each case will depend on its own facts and no hard-and-fast category can be prescribed.

xxx xxx xxx

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 predominately 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 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.

xxx xxx xxx”

(Emphasis Supplied)

17. Further, in the case of ***Narinder Singh and Others. Versus State of Punjab and Another, (2014) 6 SCC 466***, the Supreme Court has laid down guidelines for the High Courts while accepting settlement deeds between the parties and quashing the proceedings. The relevant observations in the said decision read as under:

“xxx xxx xxx



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.

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.

xxx xxx xxx”

(Emphasis Supplied)

18. From the aforesaid, it cogently follows that offences such as rape are ordinarily regarded as offences against the society and are not to be quashed merely on the basis of settlement. At the same time, the Supreme Court has recognised that the High Court is not entirely denuded of its discretion and that each case must be evaluated on its own facts, including, the stage of proceedings and the likelihood of conviction.

19. In this regard, fruitful reference may be made to the decision of the Supreme Court in the case of ***Kapil Gupta Versus State (NCT of Delhi) and Another, (2022) 15 SCC 44***, wherein, it was held that the High Courts must be slow in quashing prosecutions involving serious allegations. The High Courts are nevertheless empowered to assess whether sufficient material exists to sustain the charge, and whether the possibility of conviction is remote. The relevant paragraphs of the said judgment read as under:

“xxx xxx xxx

12. It can thus be seen that this Court has clearly held that though the Court should be slow in quashing the proceedings wherein heinous and serious offences are involved, the High Court is not foreclosed from examining as to whether there exists material for incorporation of such an offence or as to whether there is sufficient evidence which if proved would lead to proving the charge for the offence charged with. The Court has also to take into consideration as to whether the settlement between the parties is going to result into harmony between them which may improve their mutual relationship.

13. The Court has further held that it is also relevant to consider as to what is the stage of the proceedings. **It has been observed**



that if an application is made at a belated stage wherein the evidence has been led and the matter is at the stage of arguments or judgment, the Court should be slow to exercise the power to quash the proceedings. However, if such an application is made at an initial stage before commencement of trial, the said factor will weigh with the court in exercising its power.

xxx xxx xxx”

(Emphasis Supplied)

20. Significantly, in the decision of ***Madhukar and Others Versus State of Maharashtra and Another, 2025 SCC OnLine SC 1415***, the Apex Court has held that although offences under Section 376 of the IPC are of grave and heinous nature, the Courts are empowered to quash FIRs under the said Section to secure the ends of justice in terms of the facts and circumstances of each case. The relevant excerpt of the said judgment, reads as under:

“xxx xxx xxx

6. At the outset, we recognise that the offence under Section 376 IPC is undoubtedly of a grave and heinous nature. Ordinarily, quashing of proceedings involving such offences on the ground of settlement between the parties is discouraged and should not be permitted lightly. However, the power of the Court under Section 482 CrPC to secure the ends of justice is not constrained by a rigid formula and must be exercised with reference to the facts of each case.

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21. There is no dispute that the petitioner and respondent no. 2 have been peacefully residing together after 2024, and also have a minor baby, who is 02 months old. In view of the peace and stability and also considering the future and well-being of the minor child, respondent no. 2 has expressed her unwillingness to continue with the proceedings, which is also reflected in the MoU dated 03rd July, 2026 as well as the No-Objection Certificate dated 06th July, 2026 on behalf of respondent no. 2.



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22. Considering the overall conspectus of the facts and circumstances of the present case, including, the fact that the parties are peacefully residing together, the settlement arrived at between the parties, the petitioner undertaking full responsibility of respondent no. 2 as well as the minor baby and the stand of respondent no. 2, this Court is of the view that continuation of criminal proceedings would not advance the ends of justice.

23. Accordingly, keeping in view the principles laid down by the Supreme Court, the present petition is allowed.

24. Consequently, *FIR 168/2024*, dated 07th June 2024, under Sections 323/328/376 of the IPC, registered at PS R.K. Puram, South West, Delhi, and proceedings emanating therefrom, are hereby quashed. Bail Bond and/or surety bond, if any, stands discharged.

25. The present petition is accordingly disposed of.

MINI PUSHKARNA, J

SEPTEMBER 22, 2026/SK