



2026:DHC:8373



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

% Date of Decision: 23rd September, 2026

CNR No. DLHC010455162026

+ CRL.M.C. 7101/2026 & CRL.M.A. 29693/2026

SUMIT KUMAR JAISWAL

.....Petitioner

Through: Mr. Raj Kumar and Mr. A.K.
Shrivastava, Adv.
Mob: 9811367075

versus

THE STATE & ANR.

.....Respondents

Through: Mr. Sunil Kumar Gautam, APP for
the State
Mr. Prashubh Tyagi, Adv. for
Complainant, along with Complainant
in person.
Mob: 9760138006
Ms. Mansi, S.I., PS Vivek Vihar

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

1. The present petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ("BNSS"), seeking quashing of the First Information Report ("FIR") being *FIR 0647/2024* dated 28th December, 2024, under Sections 376/506 of the erstwhile Indian Penal Code, 1860 ("IPC"), registered at Police Station ("PS") Vivek Vihar, Delhi, along with all consequential proceedings emanating therefrom.

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2. Issue Notice. Notice is accepted by learned Additional Public Prosecutor (“APP”) for the State as well as by the learned counsel for the respondent no. 2, i.e., the complainant.

3. The petitioner and respondent no. 2 are present in person before this Court and have been duly identified by their respective counsels as well as by the Investigating Officer (“IO”).

4. As per the allegations made in *FIR 0647/2024*, the following is culled out:

4.1. Respondent no. 2 and the petitioner initially became acquainted through a social media platform on March, 2024, which led to the development of personal relations between them.

4.2. Respondent no. 2 shared with the petitioner that she had taken a divorce from her husband. The petitioner also lured the respondent no. 2 into believing that the divorce proceedings between the petitioner and his wife were going on in the Court and that pursuant to the divorce being granted, the petitioner shall marry respondent no. 2.

4.3. Subsequently, the parties met in Delhi, whereby, the petitioner obtained the consent of respondent no. 2 to engage in sexual intercourse by deceiving her with the intention to marry.

4.4. It is asserted that the petitioner repeatedly promised to marry respondent no. 2, but later failed to honour these promises.

4.5. Further instances of sexual intercourse have also been stated, whereby, the petitioner allegedly engaged in sexual activity with respondent no. 2, continued to make false assurances regarding marriage and intentionally assaulted her.



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4.6. It has also been alleged that after some time of knowing each other, the petitioner started taunting respondent no. 2 using certain casteist slurs/remarks.

4.7. On 15th September, 2024, at about 11:00 PM, the petitioner came to the house of respondent no. 2, and again pressed on the issue of their marriage. When respondent no. 2 told the petitioner that she did not want to wait further for marriage and that the petitioner has not fulfilled his promise to marry her, the petitioner got annoyed and started threatening her with dire consequences.

4.8. On 20th December, 2024, respondent no. 2 came to know that the petitioner was living in his house with his wife in Deoria, Uttar Pradesh.

4.9. Hence, the FIR in question, emanating from the aforementioned facts, came to be lodged by respondent no. 2/complainant.

5. The present petition for quashing of the *FIR 0647/2024* is founded upon a Settlement Deed dated 15th September, 2026, executed between the petitioner and the respondent no. 2, by way of which they have agreed to bring the criminal proceedings in connection with the said FIR to an end.

6. Upon a specific query put by this Court, learned counsel appearing for the respondent no. 2 has affirmed that the respondent no. 2 has unequivocally settled all the disputes and misunderstandings with the petitioner, out of her own free will and without any coercion, pressure, or undue influence. As noted above, respondent no. 2 is personally present and confirms this position.

7. However, learned APP for the State submits that the present is a case of a heinous offence, involving sexual assault and casteist slurs.



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8. He further submits that at the time of the incident in question, the petitioner was already married, which he did not disclose to respondent no. 2 and thus, opposes the quashing of the *FIR 05647/2024*, on the said ground.

9. It is well settled that this Court, in exercise of its inherent powers, may quash criminal proceedings even in cases involving non-compoundable offences, in cases where the parties have arrived at a mutual settlement/understanding. However, this power must be exercised with circumspection when allegations of a serious or heinous nature have been made out. In this regard, attention may be afforded to the case of ***Gian Singh Versus State of Punjab and Another (2012) 10 SCC 303***, whereby, the scope and limitations of the inherent powers of the High Court have been enumerated. The relevant extracts are reproduced as 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)

10. Even in the case of ***Narinder Singh and Others Versus State of Punjab and Another, (2014) 6 SCC 466***, the Supreme Court has formulated guiding principles for the exercise of jurisdiction under Section 482 of the Code of Criminal Procedure, 1973 (“CrPC”), corresponding to Section 528 of the BNSS, in cases involving compromise. It has been emphasised that the power to quash is distinct from the power of compounding under Section 320 of the CrPC, and must be exercised sparingly, keeping in mind the



nature and gravity of the offence.

“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)

11. It follows from the above discussion that offences such as rape stand on a different footing from purely private or civil disputes. Being crimes against the body and dignity of the victim, they are regarded as offences against society as a whole, and consequently cannot be quashed merely on the ground that the parties have arrived at a settlement. However, in the present case the respondent no. 2 entered into physical relations with the petitioner with consent, and submits that she does not wish to pursue the charges any further.

12. It is to be noted that the Supreme Court has repeatedly emphasised that the exercise of this discretion is not to be governed by any rigid formula, rather, each case must be examined on its own peculiar facts and circumstances, including the stage of proceedings, the nature and gravity of the allegations, and the likelihood of prosecution ultimately resulting in a conviction.

13. Further, reliance may be placed on the decision of the Supreme Court in ***Kapil Gupta Versus State (NCT of Delhi) and Another, (2022) 15 SCC 44***, wherein it was held that the High Courts must be circumspect in quashing prosecutions involving serious allegations, and ought not to interfere save in exceptional circumstances. It was, however, clarified that



the High Courts retain the power to examine whether sufficient material exists to sustain the charge, and whether the possibility of conviction is remote. The relevant paragraphs of the said judgment are extracted hereinbelow:

“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)

14. Pertinently, it must be borne in mind that in matters involving the quashing of criminal proceedings under Section 376 of the IPC on the ground of settlement, the Courts are guided by the object of securing the ends of justice, rather than being bound by any rigid formula that discourages settlement altogether. [***Madhukar and Others Versus State of Maharashtra and Another, 2025 SCC OnLine SC 1415***]

15. Today this Court has interacted with respondent no.2, wherein, she



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has categorically and unequivocally stated before this Court that she does not wish to pursue the matter any further, and that the same has been settled between the parties out of her own free will, without any coercion, threat, undue influence, or inducement. She has further submitted that she wishes move forward in life.

16. Accordingly, considering the submissions made before this Court and considering the fact that the complainant herself does not wish to pursue the matter any further, this Court finds no impediment in allowing the present petition.

17. This Court has also taken into account the young age of the complainant, as also the fact that continuation of the criminal proceedings, in the peculiar facts of the present case, would serve little purpose beyond prolonging the agony of the parties and would only stand in the way of the respondent no. 2's desire to move ahead in life and forget her past.

18. Accordingly, it is directed that *FIR 0647/2024*, under Sections 376/506 of the IPC, registered at PS Vivek Vihar, Delhi, and all proceedings emanating therefrom are quashed.

19. However, in the facts and circumstances of the present case, this Court is of the view that cost ought to be paid by the petitioner.

20. The aforesaid order is subject to deposit of a sum of Rs. 50,000/- by the petitioner, with the Delhi High Court Advocates Welfare Trust, within a period of four weeks, from today, details of which are given below:

A/c No. 15530210002995
Bank Name: UCO Bank
Branch Address: Delhi High Court
IFSC: UCBA0001553

21. The present petition, along with the pending application, is



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accordingly disposed of.

MINI PUSHKARNA, J

SEPTEMBER 23, 2026/SK

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