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

CNR No. DLHC010911792025

+ **CRL.M.C. 8180/2025 & CRL.M.As. 34174-175/2025**

RAJAT GUPTA

.....Petitioner

Through: Mr. Ashok Gupta, Ms. Charu Gupta, Advocates.

versus

THE STATE (NCT OF DELHI) & ANR.

.....Respondents

Through: Mr. Yudhvir Singh Chauhan, APP with SI Pinki.

Mr. Kapil Kakkar, Advocate for R2 with R2 in person.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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25.08.2026

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 No. 167/2020, dated 14.04.2020, registered at Police Station Tigri, District South, Delhi, under Sections 342, 323, and 376 of the Indian Penal Code, 1860 ["IPC"], on the ground of a settlement between the parties.

2. I have heard Mr. Ashok Gupta, learned counsel for the petitioner, and Mr. Yudhvir Singh Chauhan, learned Additional Public Prosecutor for the State. The complainant is also present in person, and is represented by Mr. Kapil Kakkar, learned counsel.



3. The impugned FIR was registered on 14.04.2020, at the instance of respondent No. 2 herein, who alleged that she met the petitioner about 4-5 months ago at Friday Market, Dakshinpuri, Delhi. They developed a friendship and used to meet frequently. On the intervening night of 13-14.04.2020, the petitioner called her stating that he had been expelled from his house and needed money. She met him, and withdrew Rs. 2,500/- from her bank account, which she gave to him. Thereafter, the petitioner took her to a hotel at Lajpat Nagar, where he established physical relations with her against her will. When she later asked to return home, the petitioner became infuriated, hit her head against a wall, and caused injuries to her hand with a stone and blade. He thereafter fled from the spot with her mobile phone. She reached home around 2-2:30 PM, following which her brother informed the police. She was taken to All India Institute Of Medical Sciences, where she underwent a medical examination, and narrated the incident to the doctor.

4. Upon completion of the investigation, a chargesheet and a supplementary chargesheet was filed. In the chargesheet, the prosecution has referred to the Medico-Legal Certificate of the complainant, as well as her statement under Section 164 of the CrPC, in which she has supported the allegations of the prosecution.

5. The Trial Court has framed charges against the petitioner under Sections 342, 323, and 376 of the IPC *vide* order dated 28.04.2025. The petitioner has assailed the said order on charge by way of CRL.REV.P.283/2025¹, which remains pending before this Court.

6. The ground upon which quashing of the FIR is now sought is that



the parties have entered into a Compromise-cum-Settlement Agreement dated 08.11.2025, which records the complainant's no-objection.

7. Mr. Gupta submits that, in view of the above, and the no objection expressed by the complainant, the Court may quash the FIR. He relies upon the judgments of the Supreme Court in *Kapil Gupta v. State (NCT of Delhi)*², *Jothiragawan v. State*³, *Amol Bhagwan Nehul v. State of Maharashtra*⁴, *Madhukar and Ors. v. State of Maharashtra and Anr.*⁵, in which proceedings under Section 376 of the IPC were quashed.

8. Mr. Chauhan, on the other hand, opposes the relief sought, on the ground that the present case involves allegations of a forceful sexual intercourse, having been established against the will of the complainant.

9. Having heard learned counsel for the parties, I am of the view that this is not a fit case for exercise of the discretionary jurisdiction of this Court, under Section 528 of the BNSS [corresponding to Section 482 of the CrPC], to quash criminal proceedings. The judgments of the Supreme Court *inter alia* in *Gian Singh v. State of Punjab and Anr.*⁶ and *Narinder Singh and Ors. v. State of Punjab and Anr.*⁷, do permit quashing of non-compoundable offences, in exercise of this Court's jurisdiction. However, those judgments make express and specific exceptions in the case of heinous offences such as rape. In *Gian Singh*, the Supreme Court observed as follows:

“58. Where the High Court quashes a criminal proceeding having

¹ *Rajat Gupta v. The State (NCT of Delhi)*.

² (2022) 15 SCC 44 [hereinafter, “*Kapil Gupta*”].

³ 2025 SCC OnLine SC 628 [hereinafter, “*Jothiragawan*”].

⁴ 2025 SCC OnLine SC 1230 [hereinafter, “*Amol Bhagwan Nehul*”].

⁵ 2025 SCC OnLine SC 1415 [hereinafter, “*Madhukar*”].

⁶ (2012) 10 SCC 303 [hereinafter, “*Gian Singh*”].

⁷ (2014) 6 SCC 466 [hereinafter, “*Narinder Singh*”].



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.”

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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 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.”⁸

The same view has been expressed in *Narinder Singh*⁹.

10. Mr. Gupta rightly submits that the Supreme Court and this Court have nonetheless, in certain cases, quashed FIRs, even where allegations are made in Section 376 of the IPC. He drew my attention to judgments of the Supreme Court in *Kapil Gupta*, *Jothiragawan*, *Amol Bhagwan*

⁸ Emphasis supplied.

⁹ Paragraphs 17 and 29.3.



Nehul, and *Madhukar*. However, Mr. Gupta's reliance on the said decisions also does not advance the petitioner's case, for the following reasons:

- a. In *Kapil Gupta*, the parties had filed cross-FIRs against each other. The Court, having regard to the peculiar circumstances of the case, including the age of the victim, the stage of the trial, and the fact that quashing the FIRs would spare the victim the agony of facing two criminal trials, considered it appropriate to quash the FIRs.
 - b. In both *Jothiragawan* and *Amol Bhagwan Nehul*, the allegations under Section 376 of the IPC arose in the context of a false promise of marriage, and the Court found that the continuation of the criminal proceedings amounted to an abuse of the process of the Court.
 - c. *Madhukar* too was a case where the allegation under Section 376 was made by a person, who was herself accused of an offence in a cross-FIR, registered prior to the FIR in question. While directed quashing of the FIR, the Court expressly recognised that the offence in question was grave and heinous, but stated that the unusual circumstances where the FIR was lodged after an earlier FIR by the opposing side, gave rise to a suggestion that the FIR in question may have been a reactionary step.
11. The Supreme Court¹⁰ and this Court¹¹ have also quashed FIRs under Section 376 of the IPC, where the parties married each other, particularly in circumstances where the original relationship was stated to

¹⁰ *Jatin Agarwal v. State of Telangana and Anr.*, 2022 SCC OnLine SC 1969.

¹¹ *Amit Plathia v. State (NCT of Delhi)*, 2024 SCC OnLine Del 9158.



be consensual. However, the adjudication of such a petition requires a fact intensive exercise of discretion, and the facts of the present case are, in my view, altogether different. The allegations in the chargesheet, supported by the complainant's statement under Section 164 of the CrPC, is of a forcible act of rape, committed when she had gone to the help the petitioner. The allegations are of a violent nature, including injuries caused to the complainant's hand with a stone and blade.

12. The settlement in the present case merely records that the complainant does not wish to pursue the present case, as she wishes to continue her studies and solemnise her marriage. However, this, by itself, cannot be a basis for quashing the criminal proceedings.

13. One of the other factors, which informs the Court's adjudication of a prayer of this nature, is the timing of the settlement¹². In the present case, the parties did not settle their disputes proximate to the allegations being made. Rather, the settlement was arrived at more than five years after the registration of the FIR, and only after the charges had been framed.

14. In view of the aforesaid, I do not find the facts and circumstances of the present case to be such as to enable quashing of the impugned FIR on the basis of a settlement.

15. Accordingly, the petition, alongwith pending applications, is dismissed.

PRATEEK JALAN, J

AUGUST 25, 2026/SS/KA/

¹² Narinder Singh, paragraph 29.7; Kapil Gupta, paragraph 13.