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

+ CRL.M.C. 9280/2025

MD SADDAM @ MOHAMMAD SADDAM & ANR.

.....Petitioners

Through: Mr. Md. Absar Ahmad, Advocate.

versus

STATE OF NCT OF DELHI AND ANR

.....Respondents

Through: Mr. Tarang Srivastava, APP with
SI Kavita, SI Neeraj.
Mr. Kush Gupta, Advocate for R-
2.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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09.07.2026

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 petitioners seek quashing of FIR No. 58/2024 dated 10.02.2024, registered at Police Station Vasant Kunj North, District South West, Delhi under Sections 376 and 506 of the Indian Penal Code, 1860 ["IPC"] and Sections 3 and 4 of the Dowry Prohibition Act, 1961, on the ground of settlement between the parties.
2. Issue notice. Mr. Tarang Srivastava, learned Additional Public Prosecutor, accepts notice on behalf of the State. Mr. Kush Gupta, learned counsel accepts notice on behalf of respondent No.2.
3. The petition is taken up for disposal with the consent of learned



counsel for the parties.

4. The petitioners are present in Court, and are identified by their learned counsel, as well as by the Investigating Officer. Respondent No. 2 is also present in person and is identified by her learned counsel and the Investigating Officer.

5. The principal allegations in the FIR, registered at the instance of respondent No. 2, are that the marriage between respondent No. 2 and petitioner No. 1 had been settled approximately ten years earlier through their respective families, who were well acquainted with each other. It is alleged that, during this period, petitioner No. 1, who was employed in Saudi Arabia, remained in regular telephonic contact with respondent No. 2 and consistently represented to her and her family that he would marry her. It is further alleged that, acting upon the said assurance, the family of respondent No. 2 declined other matrimonial proposals received for her. According to the complainant, after returning to India on 09.09.2023, petitioner No. 1 called respondent No. 2 to meet him and thereafter took her to a hotel, where he established physical relations with her on the assurance that the marriage would be solemnised within twenty days.

6. According to the complainant, petitioner No. 1 remained in Delhi for the next five to six days, during which he continued to meet respondent No. 2, before returning to Bihar. It is further alleged that, when the father of respondent No. 2 subsequently visited the petitioners' residence to discuss the proposed marriage, he learnt that petitioner No. 1 and his family had left for Kolkata. It is alleged that, upon contacting petitioner No. 1 and petitioner No. 2 over the telephone, they declined to proceed with the marriage and demanded a sum of Rs. 2 lakhs as *salami*,



besides dowry, as a condition for solemnising the marriage.

7. Upon completion of the investigation, a chargesheet came to be filed, wherein an additional offence under Section 171-A of the IPC was also invoked. The matter is presently pending before the learned Sessions Court.

8. The present petition has been filed seeking quashing of the subject FIR on the ground that the parties have amicably resolved their disputes and have, thereafter, solemnised their marriage on 09.11.2025 in accordance with Muslim law. The petitioners have placed on record the *Nikahnama* evidencing the marriage, which has been duly verified by the Investigating Officer.

9. Mr. Gupta submits that respondent No. 2 has categorically stated that she solemnised her marriage with petitioner No. 1 of her own free will, without any coercion, pressure or undue influence. In support thereof, respondent No. 2 has affirmed an affidavit dated 16.12.2025, wherein she has stated that she harbours no grievance against the petitioners, does not wish to pursue the proceedings arising out of the subject FIR, and has no objection to the quashing thereof. Respondent No. 2, who is personally present before this Court, affirms the contents of the said affidavit and reiterates the aforesaid position. She further states that she and petitioner No. 1 are expecting a child.

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

11. It is well settled that this Court, in exercise of its inherent jurisdiction, is empowered to quash criminal proceedings, including those involving non-compoundable offences, where the parties have amicably



resolved their disputes. Equally, it is settled that such power is to be exercised with due caution and circumspection, particularly in cases involving allegations of a serious or heinous nature. The contours of the High Court's inherent jurisdiction in this regard were authoritatively delineated by the Supreme Court in *Gian Singh v. State of Punjab & Anr.*¹. The relevant extracts thereof are reproduced hereunder:

“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

¹ (2012) 10 SCC 303.



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 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.”²

11. In *Narinder Singh & Ors. v. State of Punjab & Anr.*³, the Supreme Court further expounded the principles governing the exercise of the High Court’s inherent jurisdiction under Section 482 of the CrPC in cases involving settlements between the parties. It was observed that the inherent power to quash criminal proceedings is distinct from the statutory power of compounding under Section 320 of the CrPC and therefore, must be exercised sparingly, bearing in mind the nature and gravity of the offence. The relevant observations are extracted below:

“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

² Emphasis supplied.

³ (2014) 6 SCC 466 [hereinafter, “*Narinder Singh*”].



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.”⁴

12. A conspectus of the aforesaid decisions makes it abundantly clear that offences such as rape, having a serious impact on society at large, cannot ordinarily be quashed solely on the basis of a settlement arrived at between the parties. At the same time, the Supreme Court has clarified that the High Court is not denuded of its inherent jurisdiction in every such case. Rather, the exercise of such power must be guided by the peculiar facts and circumstances of each case, including, *inter alia*, the nature of the allegations, the stage of the proceedings, and the likelihood of the prosecution culminating in a conviction.

13. In this context, reference may be made to the decisions of the Supreme Court in *Kapil Gupta v. State (NCT of Delhi)*⁵ and *Madhukar v. State of Maharashtra*⁶, wherein proceedings under Section 376 of the IPC

⁴ Emphasis supplied.

⁵ (2022) 15 SCC 44 [hereinafter, “*Kapil Gupta*”]

⁶ 2025 SCC OnLine SC 1415.



were quashed in the peculiar facts and circumstances of those cases. While reiterating that prosecutions involving serious allegations ought not to be quashed as a matter of course, the Supreme Court observed that the High Court is nevertheless empowered, in an appropriate case, to examine whether the material on record is sufficient to sustain the charge and whether the possibility of securing a conviction is remote. In *Kapil Gupta*, after taking note of the principles enunciated in *Narinder Singh*, the Supreme Court observed as follows:

“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.”

14. Though the decision of the Supreme Court in *Kapil Gupta* did not arise from a case where the prosecutrix and the petitioner had subsequently solemnized marriage, the Court has, in comparable factual circumstances, exercised its inherent jurisdiction to quash criminal proceedings.

15. In *Jatin Agarwal v. State of Telangana and Anr.*⁷, the accused and the prosecutrix came into contact through a matrimonial application,



pursuant to which they entered into a physical relationship on the accused's assurance that he would marry her. It was alleged that, upon the accused failing to honour the said assurance, the prosecutrix lodged an FIR against him. Although the High Court declined to quash the criminal proceedings despite the parties having subsequently solemnised their marriage, the Supreme Court, in exercise of its powers under Article 142 of the Constitution, quashed the FIR after being satisfied that the prosecutrix had voluntarily married the accused and no longer wished to pursue the complaint.

16. A substantially similar factual matrix came up for consideration before a co-ordinate Bench of this Court in *Amit Plathia v. State (NCT of Delhi)*⁸, wherein the FIR had likewise been registered under Section 376 of the IPC. In the said case, the prosecutrix alleged that petitioner had established physical relations with her on the assurance of marriage and that the complaint came to be lodged upon his refusal to solemnise the marriage. While examining the matter, the co-ordinate Bench considered the principles enunciated by the Supreme Court, including those in *Kapil Gupta* and *Jatin Agarwal*, as well as the earlier decisions of this Court⁹, on the subject, before observing as follows:

“9. What emerges from the discussion undertaken above is that while as a matter of practice, serious and heinous offences ought not to be quashed by exercise of powers under Section 482 Cr. P.C., as it can have detrimental impact upon society, however, at the same time, the Court is not completely divested of the power to quash such

⁷ 2022 SCC OnLine SC 1969 [hereinafter, “*Jatin Agarwal*”].

⁸ 2024 SCC OnLine Del 9158 [hereinafter, “*Amit Plathia*”].

⁹ *Amar Kumar v. State (Govt. of NCT of Delhi)* [2023 SCC OnLine Del 8452], *Prem Kumar v. State* [2024 SCC OnLine Del 628], *Rihan v. State (Govt. of NCT Delhi)* [2023 SCC OnLine Del 4436], *Anshuman v. State* [2023 SCC OnLine Del 2050], *Yojan Sharma v. State* [2023 SCC OnLine Del 5612], and *Mohit v. Govt. of NCT Delhi* [2024 SCC OnLine Del 1222].



proceedings. **In appropriate cases, upon a consideration of the facts including the evidence available, the chances of conviction, the timing of the settlement/marriage as well as its actual effect, the Court can exercise its power under Section 482 to quash such proceedings, in the interest of justice and to put a quietus to the entire incident.** However, at the sake of repetition, it is clarified that there is no blanket rule that such quashing should or should not take place. **While quashing of serious and heinous offence like rape solely based upon settlement/marriage may not always be warranted, it can be done in cases where the peculiar facts warrant the same.**

10. In the present case, the FIR was lodged when respondent No. 2 felt that though she had consented for physical relations, the petitioner may not keep his promise to marry her. Admittedly, during the pendency of the proceedings under the said FIR, the petitioner and respondent No. 2 have married each other on 04.10.2023 and the said fact has been duly verified, as evidenced in the status report filed by learned APP for the State.

The petition is also accompanied by no objection certificate of respondent No. 2 wherein she has stated that consensual physical relations were established between the petitioner and respondent No. 2 and later, marriage between them has been solemnised.

Petitioner, who is present in Court, has been identified by his counsel and the I.O. Respondent No. 2, who is also present in Court and identified by I.O., stated that she is leading a happy married life with petitioner and joins in the prayer for quashing of the FIR.

11. In view of the aforesaid discussion, it is clear that the relations between the parties were consensual and no evidence has been placed on record which would show that the petitioner had established relations with respondent No. 2 on a false promise to marry. The case is still at the initial stage as the charge is yet to be framed.

Considering the facts of the present case including the fact that the High Court is well within its right to quash proceedings emanating from Section 376 IPC, if the facts so warrant, the present petition is allowed and FIR No. 657/2023 registered under Section 376 IPC at P.S. Shakarpur, Delhi and the proceedings emanating therefrom are quashed. Bail bond and surety bond, if any, are discharged. Pending application is disposed of as infructuous.”¹⁰

17. The factual matrix of the present case bears substantial similarity to that considered by the co-ordinate Bench in *Amit Plathia*. The allegations

¹⁰ Emphasis supplied.



in the subject FIR proceed on the premise that petitioner No. 1 established physical relations with respondent No. 2 on the assurance that he would marry her, and that the complaint came to be lodged when the petitioners allegedly declined to honour the said assurance. At the same time, the material on record also indicates that the proposed marriage between petitioner No. 1 and respondent No. 2 had been settled by their respective families nearly a decade earlier, who shared a longstanding acquaintance, and that the relationship between the parties was consensual, with respondent No. 2's consent being predicated upon the contemplated marriage. It is also not in dispute that the parties have, subsequent to the registration of the FIR, solemnised their marriage on 09.11.2025. The *Nikahnama* evidencing the marriage has been placed on record as Annexure P-3 and has been duly verified by the Investigating Officer. Viewed in the aforesaid backdrop, the factual narrative in the present case bears a close resemblance to that considered by the Supreme Court in *Jatin Agarwal* and by the co-ordinate Bench of this Court in *Amit Plathia*.

18. Having considered the aforesaid facts and circumstances, as well as the decisions referred to hereinabove, this Court is of the considered view that the present case warrants the exercise of its inherent jurisdiction under Section 528 of the BNSS for quashing the criminal proceedings arising out of the subject FIR. Such exercise of jurisdiction would subserve the ends of justice by enabling the parties, who have since solemnised their marriage, to lead a peaceful and harmonious matrimonial life. It would also advance the welfare of the child expected by them. Although the allegations pertain to a serious offence, the



peculiar facts and circumstances of the present case do not disclose any overriding public interest that would warrant permitting the prosecution to continue to its logical conclusion.

19. In view of the foregoing, the present petition is allowed. Consequently, FIR No. 58/2024 dated 10.02.2024, registered at Police Station Vasant Kunj North, District South West, Delhi under Sections 376 and 506 of the IPC and Sections 3 and 4 of the Dowry Prohibition Act, 1961, alongwith all proceedings consequential thereto, stands quashed.

20. The petition, alongwith the pending applications, accordingly stands disposed of.

PRATEEK JALAN, J

JULY 9, 2026
SS/MK/SD/