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

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+ CRL.M.C. 328/2025 & CRL.M.A. 1633/2025, CRL.M.A. 1634/2025, CRL.M.A. 9997/2025, CRL.M.A. 9998/2025
RESHMA & ORS.Petitioners

Through: Mr. Ankit Tandon and Mr. Manoj Kumar Sharma,
Advocates along with
petitioners in person.

versus

STATE GOVT OF NCT OF DELHI
& ANR.Respondents

Through: Ms. Kiran Bairwa, APP
for the State with PSI
Monika, PS Jagatpuri.
Respondent No.2 in
person.

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+ CRL.M.C. 327/2025 & CRL.M.A. 1631/2025, CRL.M.A. 1632/2025
SHEHZAD KHAN @ MOHSEEN
& ORS.Petitioners

Through: Mr. Ankit Tandon and Mr. Manoj Kumar Sharma,
Advocates along with
petitioners in person.

versus

STATE GOVT OF NCT OF DELHI
& ANR.Respondents

Through: Ms. Kiran Bairwa, APP
for the State with PSI
Monika, PS Jagatpuri.
Respondent No.2 in
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CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

13.08.2025

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1. The present petitions are filed seeking quashing of cross FIRs, being, FIR No. 148/2024 dated 19.02.2024 registered at Police Station Jagat Puri for offences under Sections 323/354/354B/509/34 of the Indian Penal Code, 1860 ('IPC') and FIR No. 147/2024 dated 18.02.2024 registered at Police Station Jagat Puri for offences under Sections 323/354/354B/34 of the IPC respectively, including all consequential proceedings arising therefrom.

2. It is averred that the parties are family members, who are embroiled in disputes over property. It is alleged that owing to the ensuing animosity between the parties, altercations took place between them on 18.02.2024 and 19.02.2024, which led to registration of the cross-FIRs respectively. Allegations in relation to the respective victims/ complainants being beaten as well as their clothes being torn have been made in both the FIRs.

3. The chargesheet in FIR No. 148/2024 has been filed wherein all the accused persons/petitioners (in CRL.M.C. 328/2025) have been charge sheeted for offences under Sections 323/509/34 of the IPC. Petitioner Nos. 3, 4 and 5 (in CRL.M.C. 328/2025) have also been charge sheeted for the offences under Sections 354/354B of the IPC. Although no allegations of rape were made in the FIR, Petitioner No. 5 (in CRL.M.C. 328/2025) also been charge sheeted for the offence under Section 376 of the IPC pursuant to allegations made by the complainant (Respondent No.2 in CRL.M.C. 328/2025) in her statement under Section 164 of the Code of Criminal Procedure, 1973 ('CrPC').

4. The chargesheet in FIR No. 147/2024 has also been filed and Petitioner Nos. 2 to 5 (in CRL.M.C. 327/2025) have been



charge sheeted for offences under Sections 323/34/341 of the IPC. Petitioner Nos. 1 and 6 (in CRL.M.C. 327/2025) have been charge sheeted for the offences under Sections 341/ 323/ 354/ 354B/ 34 of the IPC. Similarly, although no allegations of rape were made in the FIR, Petitioner No. 6 (in CRL.M.C. 327/2025) has also been charge sheeted for the offence under Section 376 of the IPC pursuant to allegations made by the complainant (Respondent No.2 in CRL.M.C. 327/2025) in her statement under Section 164 of the CrPC.

5. The present petitions are filed on the ground that during the pendency of the proceedings, the parties have amicably settled all their disputes and the parties have also entered into a Settlement Deed dated 04.12.2024, out of their own will, without any coercion or pressure.

6. The parties are present in person in Court and have been duly identified by the Investigating Officer.

7. On being asked, the respective complainants state that they are relatives and there was some misunderstanding, which has now been cleared. They state that due to the advice received at that stage, the allegations were exaggerated and no incident of rape actually took place. They further state that they do not want to pursue any proceedings arising out of the respective FIRs and they have no objection if the same are quashed.

8. The parties state that having forgiven each other and settled the matter, they want to put a quietus to the matters and wish to live peacefully in the future.

9. Offences under Section 323/341/509 of the IPC are compoundable in nature whereas offences under Sections 354/354B/376 of the IPC are non-compoundable.



10. It is well settled 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 quash offences which are non-compoundable on the ground that there is a compromise between the accused and the complainant. The Hon'ble Apex Court has laid down parameters and guidelines for High Court while accepting settlement and quashing the proceedings. In ***Narinder Singh & Ors. V. State of Punjab & Anr. : (2014) 6 SCC 466***, the Hon'ble Apex 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.

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.”

(emphasis supplied)

11. Similarly, in ***Parbatbhai Aahir & Ors v. State of Gujarat & Anr. reported as (2017) 9 SCC 641***, the Hon’ble Apex Court has observed as under :-

“16. The broad principles which emerge from the precedents on the subject, may be summarised in the following propositions:

16.1. Section 482 preserves the inherent powers of the High Court to prevent an abuse of the process of any court or to secure the ends of justice. The provision does not confer new powers. It only recognises and preserves powers which inhere in the High Court.

16.2. The invocation of the jurisdiction of the High Court to quash a first information report or a criminal proceeding on the ground that a settlement has been arrived at between the offender and the victim is not the same as the invocation of jurisdiction for the purpose of compounding an offence. While compounding an offence, the power of the court is governed by the provisions of Section 320 of the Code of Criminal Procedure, 1973. The power to quash under Section 482 is attracted even if the offence is non-compoundable.

16.3. In forming an opinion whether a criminal proceeding



or complaint should be quashed in exercise of its jurisdiction under Section 482, the High Court must evaluate whether the ends of justice would justify the exercise of the inherent power.

16.4. While the inherent power of the High Court has a wide ambit and plenitude it has to be exercised (i) to secure the ends of justice, or (ii) to prevent an abuse of the process of any court.

16.5. The decision as to whether a complaint or first information report should be quashed on the ground that the offender and victim have settled the dispute, revolves ultimately on the facts and circumstances of each case and no exhaustive elaboration of principles can be formulated.

16.6. In the exercise of the power under Section 482 and while dealing with a plea that the dispute has been settled, the High Court must have due regard to the nature and gravity of the offence. **Heinous and serious offences involving mental depravity or offences such as murder, rape and dacoity cannot appropriately be quashed though the victim or the family of the victim have settled the dispute. Such offences are, truly speaking, not private in nature but have a serious impact upon society. The decision to continue with the trial in such cases is founded on the overriding element of public interest in punishing persons for serious offences.**

16.7. As distinguished from serious offences, there may be criminal cases which have an overwhelming or predominant element of a civil dispute. They stand on a distinct footing insofar as the exercise of the inherent power to quash is concerned.

16.8. Criminal cases involving offences which arise from commercial, financial, mercantile, partnership or similar transactions with an essentially civil flavour may in appropriate situations fall for quashing where parties have settled the dispute.

16.9. In such a case, the High Court may quash the criminal proceeding if in view of the compromise between the disputants, the possibility of a conviction is remote and the continuation of a criminal proceeding would cause oppression and prejudice; and

16.10. There is yet an exception to the principle set out in propositions 16.8. and 16.9. above. Economic offences involving the financial and economic well-being of the State have implications which lie beyond the domain of a mere



dispute between private disputants. The High Court would be justified in declining to quash where the offender is involved in an activity akin to a financial or economic fraud or misdemeanour. The consequences of the act complained of upon the financial or economic system will weigh in the balance.”

(emphasis supplied)

12. The Hon’ble Apex Court, in **Kapil Gupta: 2022 SCC Online SC 1030**, while quashing an FIR under Section 376 of the IPC, had observed as under:

*“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.***

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*15. In both the cases, though the charge-sheets have been filed, the charges are yet to be framed and as such, the trial has not yet commenced. **It is further to be noted that since Respondent 2 herself is not supporting the prosecution case, even if the criminal trial is permitted to go ahead, it will end in nothing else than an acquittal.** If the request of the parties is denied, it will be amounting to only adding one more criminal case to the already overburdened criminal courts.”*

(emphasis supplied)

13. It is not in doubt that the offences under Sections 354/ 354B/ 376 of the IPC are heinous in nature and involve mental depravity. Such offences cannot be quashed merely because the victim has settled the dispute. Such offences, in true sense, are not private in nature.

14. In the present case, the allegations of rape have been made by the respective complainants against their relatives. It is stated that the present matters arise out of a property dispute amongst



family members. The respective complainants have stated that no incidents of rape took place and the allegations were exaggerated on advice. It is further stated by the parties that they have settled the disputes and that they wish to live their lives harmoniously in the future.

15. While it is unfortunate and deplorable that false complaints of such a serious nature are given by family members against each other to weaponize the machinery of law for settling personal scores, in the peculiar circumstances of this case, it is unlikely that the cross FIRs will result in a conviction and continuation of the proceedings would only cause undue harassment and heartburn.

16. Keeping in view the nature of the case and the statement of the respective complainants, this Court feels that no useful purpose would be served by keeping the dispute alive and I am of the considered opinion that it is a fit case to exercise discretionary jurisdiction under Section 528 of the BNSS.

17. However, keeping in mind the fact that charge sheets have already been filed in both the cases and the State machinery has been put to motion, ends of justice would be served if the parties are put to cost.

18. In view of the above, FIR No. 148/2024 and all consequential proceedings arising therefrom are quashed, subject to payment of a cost of ₹50,000/- by the petitioners (in CRL.M.C. 328/2025), to be deposited with the Delhi Police Welfare Society within a period of twelve weeks.

19. Similarly, FIR No. 147/2024 and all consequential proceedings arising therefrom are quashed, subject to payment of a cost of ₹50,000/- by the petitioners (in CRL.M.C. 327/2025), to



be deposited with the Delhi Police Welfare Society within a period of twelve weeks.

20. Let the proof of payment of costs be submitted to the concerned SHO.

21. As the respective complainants have admitted that no incident of rape had actually taken place, the State is at liberty to take appropriate action against the complainants in accordance with law.

22. The present petitions, along with the pending applications, are disposed of in the aforesaid terms.

23. A copy of this order be placed in both the matters.

AMIT MAHAJAN, J

AUGUST 13, 2025

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