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

+ CRL.M.C. 437/2025, CRL.M.A. 2120/2025

SURESH LAXMAN RAHANGDALEPetitioner

Through: Mr. Bhalendu Mishra, Adv.

versus

STATE OF DELHI & ANR.Respondent

Through: Ms. Nishtha Khurana, Adv. for R-2.
SI Poonam, PS Najafgarh, SI Arti
Singh, PS Begampur.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **23.05.2025**

1. The present petition filed under Section 528 of the Bhartiya Nagarik Suraksha Sanhita, 2023¹ seeks quashing of the FIR No. 321/2024 dated 23rd September, 2024, registered under Sections 376 and 506 of the Indian Penal Code, 1860² at P.S. Najafgarh, and all proceedings emanating therefrom.
2. The FIR discloses allegations of a grave and deeply distressing nature, including acts of sexual assault and threats to life. The Complainant, arrayed as Respondent No. 2, has alleged that she was subjected to sexual violence and compelled to engage in acts that inflicted both physical harm and psychological trauma. These are not mere assertions of personal discord or betrayal of trust; they speak to conduct that fundamentally violates the sanctity of bodily autonomy and strikes at the very core of human dignity.

¹ "BNSS"

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Allegations of this nature, by their very character, warrant careful judicial scrutiny and cannot be treated as private disputes amenable to settlement or compromise.

3. In view of the gravity of the allegations, this Court engaged in a detailed interaction with Respondent No. 2, who was present in Court. It emerged that while she still stands by the core of her earlier allegations, particularly with regard to the incident involving sexual assault and humiliation, she has expressed a strong reluctance to pursue the prosecution any further. She explained that her decision stems not from a recantation of her original statement, but from the deep psychological strain and social fallout she has endured since the registration of the FIR, particularly the repercussions on her personal and married life. Her demeanour in Court reflected anguish and emotional exhaustion. It is evident that she is disheartened with the system and wishes to move forward.

4. The Court does not, for a moment, disregard the Complainant's distress. It is well recognised that proceedings arising from allegations of sexual assault often impose a heavy emotional and psychological toll on the survivor. The trauma of the incident is frequently compounded by the ordeal of the trial process itself, including repeated recollection of events, scrutiny of personal history, and societal backlash are factors that may understandably induce reluctance to pursue prosecution. However, even as the Court acknowledges the Complainant's personal predicament, it is equally bound to uphold the statutory and constitutional framework within which judicial discretion must be exercised.

5. The power conferred under Section 528 of the BNSS is not unbridled.



It must be tempered by the nature of the offence, the interests of justice, and the broader societal imperative to ensure accountability in crimes of a grave and non-compoundable character. The Court is acutely conscious that its intervention at this stage must not dilute the seriousness with which the law treats allegations under Section 376 of IPC.

6. That said, it is also the State's solemn duty to ensure that victims of such offences are not left to navigate the system unaided. The survivor must be afforded every assistance that the law contemplates, be it through psychological counselling, procedural safeguards, or in-camera proceedings, to ensure that she is able to participate meaningfully and with dignity in the process of justice. The answer, therefore, does not lie in extinguishing the proceedings but in fortifying the support systems that enable her to assert her legal rights without fear, intimidation, or traumatising. In **Narinder Singh & Ors. v. State of Punjab & Anr.**,³ the Supreme Court has laid down certain guidelines and parameters for the High Courts while accepting settlement and quashing the proceedings:

“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

³ (2014) 6 SCC 466.

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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.*

[Emphasis Supplied]

7. Sexual offences, particularly those under Section 376 of IPC, fall squarely within the exception contemplated in ***Narinder Singh***. These are not disputes between private parties that may be resolved at the parties' convenience. The offence of rape is a crime against the individual and the State, and has serious implications for the dignity of women and the rule of law.

8. The Complainant's reluctance, however understandable, cannot become the sole basis for extinguishing criminal liability in such a case. Courts must remain mindful of the broader societal interest in prosecuting heinous crimes and ensuring accountability. The remedy, therefore, does not lie in quashing the FIR, but in extending all institutional support to the complainant to enable her to depose without fear, discomfort, or distress. The Court directs the Trial Court to ensure that while recording the Complainant's testimony, it shall adopt every possible measure to ensure her dignity and psychological well-being are preserved. Protective protocols such as in-camera proceedings, support persons, or other mechanisms envisaged under the Criminal Law (Amendment) Act, 2013, and the



Supreme Court's decision in *State of Punjab v. Gurmit Singh*,⁴ shall be applied, as warranted. The Complainant is assured that she may request any further safeguards, before the Trial Court which shall be considered sympathetically and in accordance with law.

9. Insofar as the settlement executed between the parties is concerned, this Court is of the view that in light of the serious allegations and the judicial precedents on the subject, the present case is not amenable to quashing under Section 528 of BNSS. The societal interest in prosecuting grave offences outweighs private settlement considerations.

10. Accordingly, the present petition is dismissed. However, all rights and contentions of the parties are left open to be agitated before the Trial Court, uninfluenced by any observations made herein.

11. It is clarified that the observations in this order are limited to the adjudication of the present petition under Section 528 of BNSS and shall not be construed as any comment on the merits of the allegations. The guilt or innocence of the accused shall be determined solely on the basis of evidence adduced before the Trial Court during trial.

12. The petition is disposed of in the above terms.

SANJEEV NARULA, J

MAY 23, 2025

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⁴ 1996 SCC (2) 384

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