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

+ **W.P.(CRL) 281/2025**

BADAL @ BADAL DAHIYA & ORS.

.....Petitioners

Through: Mr. Bhupendra Singh Chowdhary,
Advocate

versus

STATE GOVT. OF NCT OF DELHI AND ROS.Respondents

Through: Mr. Anand V. Khatri, ASC for the
State with WSI Jyoti, WSI Preeti
Dhankar, PS Kanjhawala

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

24.09.2025

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1. The present petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (corresponding to Section 482 of the Code of Criminal Procedure, 1973²) seeks quashing of FIR No. 309/2022 dated 14th May, 2022, registered under Sections 323, 354, 354B, 451, 506, 509, 34 of the Indian Penal Code, 1860³ at P.S. Kanjhawala and all consequential proceedings emanating therefrom.

2. The case of the Prosecution originates from a complaint filed by the Complainant in relation to an incident alleged to have occurred on 13th May, 2022. It is alleged that the Petitioners physically assaulted the Complainant, her sister, mother, and brother. During the altercation, the Petitioners are

¹ "BNSS"

² "CrPC"



stated to have torn the Complainant's clothes and struck her mother and sister on their chests, causing injuries. On the strength of allegations initially made, the FIR was registered under Sections 323, 354, 354B, 451, 506, 509, and 34 IPC. The Complainant, her sister, and her mother were medically examined, and the Complainant's statement under Section 161 CrPC was recorded on 14th May, 2022, but no heinous allegation of sexual assault surfaced at that stage. Similarly, in her statement under Section 164 CrPC dated 25th May, 2022, she did not make any other serious accusation. It was only much later, through supplementary statements recorded under Section 161 CrPC by the Complainant and her sister on 7th December, 2022, that allegations of rape were introduced against Petitioner Nos. 1 and 2, resulting in the addition of Section 376 IPC in the case. Similar allegations were also reflected in the second MLCs of the victims dated 12th June, 2022. Upon conclusion of investigation, chargesheet was filed against the Petitioners to the following effect:

Petitioner	Charge-sheeted under Sections
Petitioner No. 1	376, 323, 354, 354B, 451, 506, 509, 34 IPC
Petitioner No. 2	376, 395, 323, 354, 354B, 451, 506, 509, 34 IPC
Petitioner No. 3	
Petitioner No. 4	323, 354, 354B, 451, 506, 509, 34 IPC
Petitioner No. 5	
Petitioner No. 6	Mentioned in Column No. 12

3. The parties state that with the intervention of common friends, colleagues and other respectable members of society, Respondent No. 2 has amicably resolved the dispute with the Petitioners and has decided not to

³ "IPC"



pursue the present FIR against them. A Memorandum of Understanding⁴ dated 10th December, 2024, has also been executed between the parties. As per the said MoU, it is clarified that the dispute between the parties arose out of a monetary transaction between the Petitioners and the brother of the Complainant, and that on the date of the alleged incident, the Petitioners had visited the Complainant's residence to meet her brother, during which a quarrel ensued. The parties have now resolved all their differences amicably. In terms of the settlement, the Petitioners have agreed to pay a sum of INR 50,000/- to Respondent No. 2, towards full and final settlement of all claims, including those related to medical expenses. Pursuant thereto, Respondent No. 2 has undertaken not to pursue the present FIR, and has voluntarily agreed to extend her no objection to the quashing of the FIR.

4. Respondent No. 2, who appears before the Court in person and is duly identified by the Investigating Officer, unequivocally states that she does not wish to continue with the FIR proceedings. She confirms that her decision is voluntary and free from coercion or undue influence. In light of the settlement, the Petitioners seek quashing of the subject FIR and all proceedings arising therefrom.

5. Having regard to nature of the offence with which Petitioner Nos. 1 and 2 have been charged on the basis of the allegations introduced by the Complainant at a later stage, the Court has extensively interacted with her to satisfy itself about the voluntariness and veracity of her stand. Respondent No. 2 has clarified that the narration in her supplementary statement was the result of certain misunderstandings between her and the Petitioners, and did not accurately reflect the events. She has filed an affidavit on oath

⁴ "MoU"



categorically stating that no incident of rape occurred either with her or with anyone else. This affidavit has been placed on record. In addition, her sister and mother (Respondent Nos. 3 and 4) have also filed affidavits affirming that the allegations arose out of a misunderstanding and that they have no objection to the quashing of the FIR.

6. Mr. Anand V. Khatri, ASC for the State, has read over the affidavit to the Complainant in a language she understands. She has identified her thumb impression and signatures and reiterated before the Court that her affidavit, and not the allegations made earlier in the second supplementary statement and the MLC, correctly reflects the truth. She has categorically affirmed that the allegations of rape against her and her sister were unfounded, and that no such incident ever occurred.

7. It also bears emphasis that the trial has not yet commenced. Beyond the Complainant's own testimony, the Prosecution does not rely on any medical, forensic, or other corroborative evidence in support of the charge under Section 376 IPC. The allegation of rape did not feature either in the FIR or in the Complainant's initial statement under Section 161 CrPC, nor even in her statement recorded before the Magistrate under Section 164 CrPC. They surfaced only at a much later stage in supplementary statements, couched in vague terms and without particulars. The Complainant has now, by way of her affidavit and statement before this Court, expressly clarified that those allegations were untrue and on account of some misunderstanding. This clarification is further supported by the MoU executed between the parties, which records that the altercation stemmed from a monetary dispute between the Petitioners and the Complainant's brothers. In such circumstances, the belated and uncorroborated allegations levelled by the



Complainant cannot be regarded as furnishing a sustainable foundation for a prosecution under Section 376 IPC.

8. The Court has considered the submissions of the parties. While the offences under Sections 376, 354, 354B and 395 of the IPC are non-compoundable, Sections 323, 451, 506 and 509 of the IPC are compoundable in certain cases, with the permission of the Court.

9. It is well settled that in the exercise of its inherent powers under Section 482 CrPC (now Section 528 BNSS), the Court may, in appropriate cases, quash proceedings in respect of non-compoundable offences if the parties have reached a genuine settlement and no overarching public interest is adversely affected. The Supreme Court in **Gian Singh v. State of Punjab & Anr.**⁵ has held as follows:

“11. As discussed above, offence punishable under Section 186/332/353 of the IPC are non-compoundable being of serious nature, however, if the Court feels that continuation of criminal proceedings will be an exercise in futility and justice in this case demands that the dispute between the parties is put to an end and peace is restored, it can order for quashing of the FIR or criminal proceedings as it is the duty of the Court to prevent continuation of unnecessary judicial process.

12. In view of the law discussed above, considering the Settlement arrived at between the parties and the statements of respondent no.1 & 2, I am of the considered opinion that this matter deserves to be given a quietus as continuance of proceedings arising out of the FIR in question would be an an exercise in futility.”

[Emphasis added]

10. Further, in **Narinder Singh & Ors. v. State of Punjab & Anr.**,⁶ the Supreme Court held as follows:

“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

⁵ (2012) 10 SCC 303

⁶ (2014) 6 SCC 466



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. The Supreme Court, in its recent decision in ***Prabhakar v. State of Maharashtra & Anr.***,⁷ quashed an FIR registered under Sections 376, 354D, 509, and 506 of the IPC on the basis of a settlement arrived at between the

⁷ 2025 INSC 819.



complainant and the accused.

12. In the present case, while the FIR initially invoked Section 376 IPC, the Complainant herself has retracted that allegation on oath and described it as false. Pertinently, the Prosecution's case, stripped of this allegation, reduces to offences of an essentially personal character arising from a misunderstanding stemming from a monetary dispute. The Complainant has unambiguously expressed her unwillingness to pursue the prosecution and has confirmed that the settlement is voluntary, without coercion or pressure. It is also significant that the allegations of rape were never supported by medical or scientific evidence, and have been unequivocally retracted by the Complainant herself. With the Complainant unwilling to support the prosecution, the continuance of criminal proceedings would be an empty formality, serving no useful purpose and only adding to the burden of the justice system. Considering the totality of circumstances and the law laid down by the Supreme Court, this Court is satisfied that the present case warrants the exercise of inherent jurisdiction under Section 482 Cr.P.C. to secure the ends of justice.

13. In view of the foregoing, the present petition is allowed, and FIR No. 309/2022, P.S. Kanjhawala as well as all consequential proceedings arising therefrom are hereby quashed.

14. However, since the State machinery was set in motion based on the impugned FIR, it is appropriate to impose costs on the Petitioners. Accordingly, all the Petitioners are directed to deposit INR 5,000/- each with the Delhi Police Welfare Fund within a period of four weeks from today. The proof of payment of cost be submitted with the concerned IO.

15. Before parting, it is necessary to record a word of caution. Allegations



under Section 376 IPC and allied provisions are of the gravest nature and ordinarily transcend private disputes. The Court is conscious that retractions in such matters must be approached with care, as the law treats sexual offences not merely as wrongs to the individual, but as offences that implicate broader societal concerns. The present order is therefore founded squarely on the peculiar facts of this case: (i) the Complainant has, on oath and in person before the Court, unequivocally disowned her earlier allegations; (ii) there is no medical or scientific evidence to corroborate the charge; (iii) the record reveals that the altercation stemmed from a monetary dispute; (iv) the Complainant has voluntarily settled the matter; and (v) the possibility of conviction is demonstrably bleak. This judgment should not be read as diluting the seriousness with which allegations of sexual assault must be investigated and prosecuted where supported by credible material.

16. Accordingly, the petition is disposed of along with pending application.

SANJEEV NARULA, J

SEPTEMBER 24, 2025/ab