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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 511/2025 & CRL.M.As. 2435/2025, 2436/2025**
SABINKAR DILIP @ DEEPUPetitioner

Through: Mr. Ankit Rai, Mr. Juned Ansari and
Mr. Braj Kumar, Advocates.

versus

THE STATE GOVT. OF NCT OF DELHI AND ANR.

.....Respondents

Through: Mr. Mukesh Kumar, APP for R-1.
SI Jyoti, P.S. Narela Industrial Area.
Mr. Abhishek Sharma, Advocate for
R-2 with Respondent No. 2 (in-
Person).

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER
28.05.2025

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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. 0193/2024, registered under Sections 376 and 506 of the Indian Penal Code, 1860³, at P.S. Narela Industrial Area and all proceedings emanating therefrom. Both the charge sheet and the supplementary charge sheet have been filed against the Petitioner.

2. The present petition is premised on a compromise between the parties

¹ "BNSS"

² "CrPC"

³ "IPC"



for which they have also executed a Memorandum of Understanding⁴ dated 4th January, 2025 wherein the Prosecutrix – Respondent No. 2, has undertaken to cooperate with the Petitioner for quashing of the FIR. Moreover, the petition has also supported by an affidavit of the Prosecutrix – Respondent No. 2 confirming that she no longer has any grievance against the Petitioner. She has stated in the affidavit that she met to the Petitioner through a dating app and developed a friendly, romantic relationship with him. However subsequently, there was a heated-up argument between them and as a result, Respondent No. 2 lodged the subject FIR. Respondent No. 2 has further affirmed that her relationship with Petitioner were purely consensual.

3. Considering the fact that the FIR involves a serious offence under Section 376 of IPC, the Court has carefully examined the facts of the case and also interacted with the Prosecutrix - Respondent No. 2, present in person. She has categorically stated that the allegations made in the FIR are not correct and the lodging of the FIR was on account of pure misunderstanding and legal advice that she received at the time of lodging of the FIR. She submits that now she has comprehended the nature of the allegations made in the FIR and is no longer willing to continue with the present proceedings. She further states that her relationship with the Petitioner was purely consensual, and that the alleged promise of marriage, was only a misunderstanding.

4. In support of the settlement, the Petitioner and Respondent No. 2 have executed a Memorandum of Understanding dated 4th January, 2025, a copy whereof has been placed on record and perused. As per the terms of the

⁴ “MoU”



MoU, Respondent No. 2 has amicably resolved all disputes and differences with the Petitioner and has voluntarily agreed to extend her no objection to the quashing of the subject FIR.

5. On 21st May, 2025, Respondent No. 2 recorded her statement before the Joint Registrar of this Court, wherein she confirmed that the dispute with the Petitioner has been amicably resolved. She further affirmed that the settlement was entered into of her own volition, without any threat, coercion, or undue influence. Respondent No. 2 also clarified that the dispute arose out of a misunderstanding and that she no longer wishes to pursue the FIR in question.

6. Today, Respondent No. 2 reiterates her earlier statement recorded before the Joint Registrar, affirms the terms of the settlement, and expressly accords her no objection to the quashing of the FIR. An affidavit to this effect has also been placed on record.

7. The Court has considered the submissions of the parties. While the offence under Sections 376 of IPC is non-compoundable, Section 506 of IPC is compoundable by the person who was intimidated, with the permission of the Court. It is well settled that in the exercise of its inherent powers under Section 528 of BNSS (earlier Section 482 of CrPC), 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***

⁵ (2012) 10 SCC 303



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 exercise in futility.”

[Emphasis added]

8. 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 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

⁶ (2014) 6 SCC 466



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]

9. Although the offence under Section 376 of IPC is serious and cannot be treated as strictly ‘*in personam*’, as it touches upon public concerns rather than being confined to individual grievances, the Court must also account for the practical realities of securing a conviction in the present case. The Supreme Court has consistently held that in cases where the complainant has entered into a voluntary and *bona fide* settlement, and is no longer inclined to support the prosecution, the prospect of securing a conviction becomes exceedingly remote. In such circumstances, continuing the prosecution may not only prove futile, but would also serve no worthwhile public interest. In the present case, Respondent No. 2 – the prosecutrix has unequivocally stated before this Court that the allegations levelled in the FIR are false and arose out of a misunderstanding, influenced by the legal advice she received at the time of lodging the complaint. She has clarified that she was, in fact, in a consensual relationship with the Petitioner and that the FIR was filed in the heat of the moment, without fully appreciating the consequences. Given this background, the continuation of criminal proceedings would amount to an empty formality, adding to the burden of the justice system and consuming public resources unnecessarily. Having regard to the totality of circumstances, and in view of the legal principles laid down by the Supreme Court, this Court finds the present case to be an appropriate one for exercise



of jurisdiction under Section 528 of BNSS to secure the ends of justice.

10. However, since the State machinery was set in motion based on the impugned FIR, which was lodged way back in 2024, it is appropriate to impose costs on the Petitioner. Accordingly, the cost of INR 20,000/- is imposed on the Petitioner to be paid with the Delhi Police Welfare Fund.

11. In view of the foregoing, the present petition is allowed and FIR No. 0193/2024, registered under Sections 376 and 506 of IPC, at P.S. Narela Industrial Area and all proceedings emanating therefrom are hereby quashed.

12. The parties shall remain bound by the terms of settlement.

13. Accordingly, the petition is disposed of along with pending application(s).

SANJEEV NARULA, J

MAY 28, 2025

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