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

+ **W.P.(CRL) 329/2023**

SATYABHAMA NAIK

.....Petitioner

Through: Ms. Astha, Advocate (DHCLSC) with
Petitioner in person

versus

THE STATE (N.C.T. OF DELHI) & ANR.Respondents

Through: Mr. Sanjay Lao, Standing Counsel for
the State with SI Sachin Dhama, PS
Maurya Enclave
Mr. Upendra Pratap Singh, Advocate
for R-2
Respondent No. 2 in person (through
VC)

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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19.08.2025

1. The present writ petition filed under Article 226 of the Constitution of India read with 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. 25/2021 dated 29th January, 2021, registered under Sections 468 and 471 of the Indian Penal Code, 1860³ at P.S. Maurya Enclave, Delhi and all the proceedings emanating therefrom.
2. Briefly stated, the case against the Petitioner is as follows:
 - 2.1. The Complainant, Rahul Juneja, filed an application under Section 156(3) of CrPC against Satyabhama Naik (the Petitioner). He stated that he

¹ "BNSS"

² "CrPC"

³ "IPC"



first met the Petitioner in 2003 at M/s Olive Bar & Kitchen, located at Mehrauli, New Delhi, where she was employed as a Lady Security Officer and he was working as an Administration and Security Executive. Over time, they became acquainted as the Complainant would often drop her back at her residence. However, after some time, they stopped talking.

2.2. It is alleged that, in June 2013, the Petitioner contacted the Complainant and informed him that she had been residing in her native village for a long period but had now returned to Delhi and was unemployed. She also disclosed that she and her husband had adopted a girl child, Ms. 'X', from an orphanage in Orissa, and that due to matrimonial disputes, she was now living separately from her husband. The Petitioner allegedly began making frequent phone calls to the Complainant, requesting to meet him at her residence or at other places. According to the Complainant, these meetings and calls became a regular occurrence. Eventually, the Petitioner is alleged to have blackmailed him by demanding money for her sustenance, threatening that otherwise she would reveal their association to his wife. Subsequently, she went a step further and accused the Complainant of being the biological father of her daughter, Ms. 'X'. Sensing her alleged *mala fide* intent, the Complainant published a public notice in Daily Newspapers declaring that he had only one wife, Mrs. Sushma Juneja, and one daughter, Ms. Sanya Juneja.

2.3. It is further alleged that the Petitioner fabricated a false school leaving certificate for her daughter on the basis of a forged birth certificate, which was prepared using false Aadhaar and other documents. In view of these allegations, and pursuant to the directions issued by the Magistrate, FIR No. 25/2021 was registered at P.S. Maurya Enclave, Delhi, under Sections 468



and 471 of the IPC, and investigation commenced.

3. The Complainant/Respondent No. 2, who has joined the proceedings through video conferencing and is also represented by his counsel present in Court, has unequivocally supported the plea for quashing. He, however, submits that the Petitioner must furnish an undertaking to this Court that she will not interfere in his affairs, make any claims against him, or contact any of his family members, either directly or indirectly, through any means of communication. Respondent No. 2 further submits that he, in turn, shall also abide by the same undertaking and reciprocate likewise.

4. Ms. Astha, counsel, has explained the Petitioner the aforesaid terms in the language the Petitioner understands. She has duly acknowledged the terms and has undertaken not to interfere in the affairs of the Complainant or to make any claims against him in future.

5. At this stage, it is pertinent to note that Respondent No. 2 has also placed on record a Settlement Agreement dated 18th March, 2021, purportedly executed between himself and the Petitioner. While the Petitioner disputes the said agreement, nonetheless, she undertakes to abide by the conditions set out above.

6. Respondent No. 2 and his counsel point out that the Petitioner herself has earlier relied upon the aforesaid Settlement Agreement in CRL.M.C. 1510/2021, which proves the genuineness of the document. Nonetheless, they state since the Petitioner has now given an undertaking noted above, they have no objection to the quashing of the present FIR. Therefore, notwithstanding the dispute regarding the genuineness of the Settlement Agreement, the parties jointly request for quashing of the FIR.

7. Although the State has opposed the quashing of the FIR, considering



that Sections 468 and 471 IPC have been invoked, this Court notes that the Complainant himself has consented to the quashing. It is also relevant to observe that there was also a cross FIR between the parties, being FIR No. 380/2020 dated 29th October, 2020, registered under Section 376 IPC at P.S. Maurya Enclave, Delhi. That FIR too was quashed by this Court *vide* order dated 13th September, 2022, after examining the merits of the case and taking into account the settlement between the parties.

8. Although the offences under Sections 468 and 471 of IPC are non-compoundable; however, it is well settled that the in the exercise of its inherent powers under Section 482 of CrPC (corresponding to Section 528 of 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.***⁴ 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]

9. Although the offences under Sections 468 and 471 of IPC cannot be treated as strictly ‘*in personam*’, and 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.

10. The Complainant in the present case has categorically expressed his unwillingness to pursue the matter further and, in light of the express undertaking given by the Petitioner to this Court, has given his unequivocal consent to the quashing of the impugned FIR. 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.

11. In view of the foregoing, the present petition is allowed and FIR No. 25/2021 dated 29th January, 2021, registered under Sections 468 and 471 of the IPC at P.S. Maurya Enclave, Delhi and all the proceedings emanating therefrom are hereby quashed.

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

SANJEEV NARULA, J

AUGUST 19, 2025/ab

⁴ (2012) 10 SCC 303.