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

+ **CRL.M.C. 837/2025 & CRL.M.A. 3928/2025**

GANGA RAM

.....Petitioner

Through: Mr. Omkar Sharma, Advocate.
Petitioner in person.

versus

STATE OF DELHI AND ORS

.....Respondents

Through: Mr. Mukesh Kumar, APP for the
State.
Prosecutrix with her mother.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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09.07.2025

1. The present petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (formerly Section 482 of the Code of Criminal Procedure, 1973²) seeks quashing of FIR No. 426/2020³ registered under Sections 354, 506 and 452 of the Indian Penal Code, 1860⁴ at P.S. Mundka, and all other proceedings emanating therefrom.

2. Briefly, the case of the prosecution is as follows:

2.1 The Complainant Ms. 'X' (Respondent No. 2), alleged sexual harassment by the Petitioner, her brother-in-law. In her complaint, the Complainant alleged that on 30th August, 2020, when no one was at home, she was getting dressed after taking a bath, the Petitioner entered her house and molested her, when she pushed him away, he ran away from the house.

¹ "BNSS"

² "Cr.P.C."

³ "the impugned FIR"

⁴ "IPC"



Thereafter, the Complainant informed her mother of the incident, who called the PCR number.

2.2 Based on the Complainant's statement, the subject FIR was registered on 30th August, 2020, under Sections 354, 506 and 452 of the IPC. Subsequently, a chargesheet has also been filed against the Petitioner under the said sections. The present petition is filed on the ground that the matter is amicably settled between the parties.

3. Respondent No. 2, the Complainant is present before the Court along with her mother (Respondent No. 3), both of whom are identified by the concerned Investigating Officer. Respondent No. 2 states that after the incident she left the matrimonial home and started to live with her mother. Now with the intervention of the family and members of local panchayat and other respectable persons of the society, they have amicably resolved their disputes and differences. She confirms that she has taken this decision on her own volition, without any fear, undue influence or coercion and after the settlement talks, she has agreed to reside in the company of her husband. In fact, she states that she has been periodically visiting her matrimonial home and living with her in-laws and husband and is satisfied with their behaviour, particularly of that of Petitioner. The mother of the Complainant, who is also present before the Court, supports her decision states that she is also satisfied with the resolution and that the Complainant has agreed to move back in the company of her husband at her matrimonial home.

4. Respondent No. 2 submits that the unfortunate incident took place due to a misunderstanding and the legal advice she received at the time of lodging of the FIR. She states that in light of the settlement, she wishes to give a *quietus* to the dispute and does not want to pursue the criminal



proceedings against the Petitioner. In this regard, she has also executed an affidavit confirming her no objection to quashing of the FIR.

5. The Court has considered the submissions of the parties. While the offences under Sections 354 and 452 of IPC are non-compoundable, Section 506 of IPC is compoundable by the person so intimidated. It is well settled that in the exercise of its inherent powers under Section 482 Cr.P.C. (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 exercise in futility.”

[Emphasis added]

6. 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:

⁵ (2012) 10 SCC 303

⁶ (2014) 6 SCC 466



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]

7. Although the offence under Sections 354 and 452 of IPC cannot be treated as strictly ‘*in personam*’, and they touche 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. The Complainant in the present case has categorically expressed her unwillingness to pursue the matter further and has confirmed the settlement as voluntary and devoid of any coercion. 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 482 of the Cr.P.C. to secure the ends of justice.

8. In view of the foregoing, the present petition is allowed FIR No. 426/2020 under Sections 354, 506 and 452 of IPC, registered at P.S. Mundka, as well as all consequential proceedings arising therefrom are hereby quashed.

9. However, since the State machinery was set in motion based on the impugned FIR, it is appropriate to impose costs on the Petitioner. Accordingly, the Petitioner is directed to deposit INR 10,000/- with the Delhi Police Welfare Fund.

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

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

SANJEEV NARULA, J

JULY 9, 2025/d.negi