



2025:DHC:3504



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% *Judgment delivered on: 21.04.2025*+ **CRL.M.C. 879/2025**

ANWAR ALI

.....Petitioner

Through: Dr. Chakit Singhal, Mr. Rajat Gandhi, Mr. Anant Bhushan, Mr. Sandeep Gupta and Mr. Hardik Yadav, Advs.

versus

STATE (NCT OF DELHI) & ORS.

.....Respondents

Through: Mr. Rajkumar, APP for the State with SI Doli Tevatia, PS: Adarsh Nagar.
Ms. Inderjeet Sidhu, Adv. for Prosecutrix.

CORAM:**HON'BLE DR. JUSTICE SWARANA KANTA SHARMA****JUDGMENT****DR. SWARANA KANTA SHARMA, J**

1. By way of the present petition, the petitioner seeks quashing of FIR No. 596/2024, registered at Police Station Adarsh Nagar, Delhi, for the offence punishable under Section 376 of the Indian Penal Code, 1860 [hereafter 'IPC'] and Section 6 of the Prevention of Children From Sexual Offence Act, 2012 [hereafter 'POCSO Act'], and all the proceedings emanating therefrom.

2. The brief facts of the case are that the present FIR had been



registered on the complaint of Ms. R, mother of the victim ‘S’, who had stated that her daughter had been working as a steel polish worker in a factory owned by the present petitioner/accused Anwar for the past two years, during which Anwar had developed a physical relationship with her on the pretext of marriage; however, when he later revealed that he was already married with two children and refused to marry her, ‘S’ had gone to the police station to lodge a complaint, and during the discussion between the parties, she had abruptly left and jumped into the underpass near the Azadpur flyover. She had been taken to Max Hospital, Shalimar Bagh, Delhi, and had later shifted to Sushrut Trauma Centre, where, upon regaining consciousness on 27.09.2024, her statement under Section 180 of BNSS had been recorded, in which she had alleged that the petitioner/accused Anwar had repeatedly established physical relations with her on false promises of marriage, resulting in two pregnancies that he had allegedly got aborted – once in November 2023 by giving her pills and again in 2024 at a clinic in Moradabad, Uttar Pradesh. During investigation, her medical and gynaecological examination had been conducted at Lok Nayak Hospital, Delhi, where she had repeated similar allegations, stating that the first sexual encounter had been non-consensual and that subsequent intercourse had occurred under the false promise of marriage.

3. Thereafter, the chargesheet was filed for offence under Sections 376 of IPC and Section 6 of POCSO Act on 11.11.2024, and the charges were framed against the present petitioner under Section



376 of IPC since he had conceded to the charge, *vide* order dated 09.12.2024.

4. The learned counsel appearing for the petitioner argues that the petitioner and the victim were in a consensual relationship, as they would stay at hotels only after depositing their valid ID proofs. It is contended that the victim was well aware of the fact that the petitioner is married and has children, so marriage between the two was not possible. It is further argued that the bone ossification report clearly states that the age of the victim is between 25-40 years which means she was a major at the time of their relationship. The learned counsel further submits that there is no consistency in statements of the victim under Section 180 of BNSS and under Section 183 of BNSS. It is contended that the present FIR is merely a love affair turned sour between the petitioner and the victim, and the allegations are borne as a result of a misunderstanding. It is submitted that compromise has been entered into by the parties and the affidavit of the victim regarding the same has been submitted before this Court. He further submits that this compromise has been entered into with their free will and without any fraud, coercion or force of any kind. It is also pointed out that statements of the victim and her mother have been recorded before the learned Joint Registrar (Judicial). Therefore, it is prayed that the present FIR be quashed as compromise has been entered into by both the parties.

5. On the other hand, the learned APP for the State vehemently opposes the present petition and submits that the allegations against



the petitioner are grave and serious in nature. The material on record *prima facie* establishes that the petitioner had established physical relations with the victim on the false pretext of marriage. The learned APP further argues that the petitioner has on purpose, hidden the fact that he is married, from the victim so that he could induce her into being in a relationship with him. Accordingly, the learned APP prays that the present petition be dismissed.

6. This Court has **heard** the arguments addressed by learned counsel appearing for both the sides, and has perused the material placed on record.

7. The petitioner and respondent no. 3 have approached this Court, seeking quashing of the FIR registered for the offence under Section 376 of IPC. In this context, the Court is required to be guided by the principles laid down by the Hon'ble Supreme Court, which regulate the exercise of power by Constitutional Courts while deciding petitions for quashing of criminal proceedings on the ground of settlement or compromise between the parties.

8. The Hon'ble Supreme Court in case of ***Narinder Singh v. State of Punjab***: (2014) 6 SCC 466, after taking note of its earlier decision in case of ***Gian Singh v. State of Punjab***: (2012) 10 SCC 303, had laid down the following principles which would guide High Courts in adjudicating cases relating to quashing of criminal proceedings on the basis of settlement:

“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 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 added)



9. Similarly, in ***State of M.P. v. Madanlal***: (2015) 7 SCC 681, the Hon'ble Supreme Court had expressed as under:

"We would like to clearly state that in a case of rape or attempt of rape, the conception of compromise under no circumstances can really be thought of."

10. A perusal of the above-referred precedents reveals that the consistent view taken by the Hon'ble Supreme Court in a catena of judgments is that FIRs registered for serious offences, including the offence of rape, ought not to be quashed merely on the basis of a settlement or compromise arrived at between the victim and the accused. At the same time, it is equally well-recognized that the Hon'ble Supreme Court has clarified that there is no absolute bar on quashing of an FIR registered under Section 376 of IPC on the basis of a compromise. However, it is crucial to emphasize that such relief is generally granted in exceptional circumstances – typically where the parties have been in a long-standing consensual relationship, and the FIR comes to be registered due to a misunderstanding or fallout, and the parties thereafter solemnize marriage and begin cohabiting. Similarly, Constitutional Courts, including the Hon'ble Supreme Court and various High Courts, have intervened in cases where the prosecution for the offence under Section 376 of IPC arises incidentally out of a matrimonial dispute, and the quashing is considered to be in the larger interest of justice.

11. Needless to say, while deciding such quashing petitions, the



Courts are required to undertake a comprehensive analysis of the facts and circumstances of each case, including but not limited to the contents of the FIR, the victim's statement recorded before the Magistrate, and the terms and genuineness of the settlement between the parties.

12. The petitioner had filed the present petition on the basis of a settlement arrived at between the parties; however, since this Court was not inclined to quash the proceedings solely on the ground of settlement, in view of the decisions of the Hon'ble Supreme Court, the learned counsel for the petitioner proceeded to advance arguments on merits as well.

13. This Court notes that the facts of the present case reveal grave and serious allegations of sexual assault by the petitioner upon the victim under the false pretext of marriage, allegedly while concealing from her, the fact that he was already married and had two children.

14. The record reveals that the victim, as per her initial statement recorded under Section 180 of BNSS on 27.09.2024, stated that she had been working as a steel polish worker in the petitioner's factory and that he had been pursuing her since her joining. During this time, the victim, trusting repeated assurances of marriage by the petitioner, had entered into a physical relationship with him. The victim had even become pregnant on more than one occasion, following which she was compelled to undergo abortions by the present petitioner.

15. The learned counsel for the petitioner has argued that the



victim herein was aware that the petitioner was married and has two children. In this regard, the record at this stage reveals that on 25.09.2024, when the victim had discovered the said fact, as well as the fact that the petitioner had no intention of marrying her, she had immediately reported the same at P.S. Adarsh Nagar, Delhi. There, too, the petitioner had refused to marry her, following which the victim had attempted suicide by jumping off the Azadpur flyover. The victim was admitted to Max Hospital, Shalimar Bagh, Delhi, and had later been shifted to Sushrut Trauma Centre, Delhi.

16. The medical examination of the victim was conducted at Lok Nayak Hospital, Delhi. The MLC and gynaecological report records the statement of the victim regarding her history of repeated sexual relations over the past year on false pretext of marriage. Though she retracted portions of her initial statement in a subsequent statement under Section 183 of BNSS on 04.10.2024, the earlier statements, MLC, and other evidence collected during investigation, provide sufficient material at this stage against the accused.

17. Further, the argument that the FIR is a result of a love affair gone sour does not hold ground in light of the serious allegations, the medical evidence, and the petitioner's own conduct at this stage. The facts reveal that the victim herein had made multiple attempts to seek justice, including going to the police station, and taking the extreme step of attempting suicide shortly after the petitioner had allegedly disclosed his marital status and refused to marry her.



18. This Court is also of the view that the contention raised by the learned counsel for the petitioner regarding the consensual nature of the relationship and the age of the victim being above the age of majority does not, in itself, absolve the petitioner of criminal liability at this stage. The question of whether the consent was obtained freely or under deception is a matter of trial, which involves appreciation of evidence and cannot be determined conclusively in the proceedings under Section 482 of Cr.P.C. The learned counsel for the petitioner had also pointed out inconsistencies between the victim's statements under Sections 180 and 183 of BNSS. However, this Court is of the opinion that minor contradictions in the said statements cannot be a ground to seek quashing of FIR.

19. In this regard, it is material to note that the petitioner himself conceded to the framing of charge under Section 376 of IPC, as recorded in the order dated 09.12.2024, though pleaded not guilty, which reads as under:

“ Arguments on charge heard.

Ld. Counsel for the accused submits that accused fairly concedes the charge.

I have perused the rukka, the statement of the prosecutrix U/s 164 Cr.P.C., statement of other PWs u/s. 161 Cr.P.C and other material on record.

A perusal of the material on record shows that a prima facie case is made out against accused Anver Ali in respect of offences punishable Section 376 (2) (n) IPC.

Accordingly, charges have been framed against the accused Anver Ali to which he pleaded not guilty and claimed trial...”

(Emphasis added)



20. Thus, clearly, the petitioner did not raise any argument regarding relationship being consensual in nature or there being contradictions in the statements of the victim at the stage of charge, and rather, conceded to framing of charge under Section 376 of IPC.

21. As far as the submission that the matter has now been compromised and an affidavit to this effect has been filed by the victim is concerned, this Court is not inclined to accept the same as a ground for quashing the FIR. As already noted, the charge framed under Section 376 IPC is a serious and non-compoundable offence, and merely entering into a compromise – even if voluntary – cannot be a sufficient basis for quashing in the absence of exceptional circumstances. The Hon’ble Supreme Court has consistently held that in cases involving serious offences affecting the society at large, quashing on the basis of compromise must be exercised sparingly and with great caution.

22. Thus, considering the overall facts and circumstances of the present case, including the nature and gravity of the allegations against the petitioner, the statement of the victim recorded under Section 180 BNSS, the corroborative medical evidence, allegations of petitioner forcing the victim to undergo abortions on several occasions, this Court is of the considered view that this is not a fit case for exercising inherent jurisdiction to quash the FIR in question.

23. In view of the above, the present petition stands dismissed.



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24. The judgment be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

APRIL 21, 2025/ns