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

+ CRL.M.C. 968/2025 & CRL.M.A. 4453/2025, CRL.M.A. 4454/2025, CRL.M.A. 10003/2025

HARISH SATIPetitioner

Through: Mr. Raghav Mendiratta,
Advocate.

versus

STATE NCT OF DELHI & ANR.Respondents

Through: Mr. Raj Kumar, APP for
the State with W/SI Ritu,
PS Shalimar Bagh.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

% **08.09.2025**

1. The present petition is filed seeking quashing of FIR No. 41/2020 ('FIR') dated 04.02.2020, registered at Police Station Shalimar Bagh for offences under Sections 376/323/506 of the Indian Penal Code, 1860 ('IPC') including all consequential proceedings arising therefrom.

2. The FIR was registered on a complaint given by Respondent No. 2. It is alleged that the husband of Respondent No. 2 was addicted to drugs, and was admitted to a De-addiction Centre on 11.02.2017. It is alleged that the petitioner was a counsellor at the de-addiction centre, and used to visit the house of Respondent No. 2 on several occasions on the pretext of giving some articles for the husband of Respondent No. 2. It is alleged that thereafter, on several occasions, the petitioner visited the house of Respondent No. 2 and forcefully established physical relations with her. It is alleged that when Respondent

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No. 2 opposed to the same, the petitioner threatened to kill her children.

3. It is alleged that when Respondent No. 2's husband came back from the de-addiction centre in July, 2017, the petitioner stopped coming to Respondent No. 2's house. Thereafter, Respondent's husband again started consuming alcohol as a result of which he was once again admitted to the de-addiction Centre. It is alleged that during this period between 03.08.2017 – October 2018, the petitioner continued to visit Respondent No. 2's house and forcefully establish sexual relations with her. Thereafter, on 24.01.2019, Respondent No. 2's husband strangled himself. It is alleged that thereafter, the petitioner started residing in Respondent No. 2's house and continued to establish sexual relations with her without her consent. It is alleged that the petitioner also misbehaved with Respondent No. 2's children.

4. The present petition is filed on the ground that the parties have amicably settled all their disputes by way of a Mutual Settlement dated 10.01.2025.

5. Respondent No. 2/complainant is present in person in Court and submits that she has now married with the petitioner on 08.07.2025. She further submits that the petitioner is providing for her and her children and that she does not wish to pursue any proceedings arising out of the FIR.

6. The learned Additional Public Prosecutor for the State opposes the quashing of the FIR, and submits that the alleged offences are serious in nature and ought not to be quashed only because the victim has settled the dispute with the accused.



7. It is pointed out that the trial has already proceeded and that Respondent No. 2 has also supported the case of the prosecution before the learned Trial Court. It is also a matter of fact that a separate FIR being FIR No. 40/2020 has been registered under the provisions of the IPC and the Protection of Children from Sexual Offences Act, 2012 ('**POCSO Act**') on the allegations made by the daughter of Respondent No. 2 alleging that she was sexually assaulted by the petitioner.

8. The Hon'ble Apex Court has laid down parameters and guidelines for High Court while accepting settlement and quashing the proceedings. In the case of **Narinder Singh & Ors. v. State of Punjab & Anr. : (2014) 6 SCC 466**, the Hon'ble Apex Court had observed as under :-

"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 supplied)

9. It is well settled that the offence under Section 376 of the IPC, is heinous and involves mental depravity. The said offence, by its very nature, is an assault to the dignity and autonomy of a woman. For this reason, such offences, in the true sense, cannot be regarded as offences *in personam* and the same constitutes a crime against the society at large. Offences of such nature cannot be extinguished only at the convenience of the parties or because the victim, at a subsequent stage, decides to marry the culprit.



Any such compromise or marriage subsequent to the incident, does not *ipso facto* efface the gravity of the offence or wipe out the seriousness of the allegations.

10. It is pertinent to note that in the present case, the allegations of rape have not only been made by Respondent No. 2 but a separate FIR has also been lodged under the provisions of the POCSO Act in relation to the allegations made by Respondent No. 2's minor daughter against the petitioner.

11. While this Court does not wish to comment upon the circumstances which may have led Respondent No. 2 to marry the petitioner, this Court cannot turn oblivious to the nature of the offence and the gravity of the allegations made against the petitioner. In such circumstances, quashing of the FIR only on the ground that Respondent No. 2 has now married the petitioner would be akin to trivialising the seriousness of the offence.

12. The present petition is accordingly dismissed. Pending applications also stand disposed of.

AMIT MAHAJAN, J

SEPTEMBER 8, 2025

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