



\$~50

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

+ CRL.M.C. 1022/2025 & CRL.M.A. 4657/2025

UDAY SONTALIA & ANR

.....Petitioners

Through: *Advocate (Appearance not given)*
Petitioners in person

versus

STATE GOVT. OF NCT OF DELHI AND ANRRespondents

Through: Mr. Mukesh Kumar, APP for the
State along with SI Shekhawat, PS.
CR. Park.
R-2 in person

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

%

01.09.2025

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. 238/2020, registered under Sections 377/354A/34 of the Indian Penal Code, 1860³ at P.S. Chitranjan Park, New Delhi and all consequential proceedings emanating therefrom.

2. Petitioner No. 1 is the husband of Respondent No. 2 and Petitioner No. 2 is the father-in-law of Respondent No. 2. The marriage between

¹ "BNSS"

² "CrPC"

³ "IPC"



Petitioner No. 1 and Respondent No. 2 was solemnized on 13th May, 2019 as per Hindu rites and ceremonies. Parties have no child from the said marriage. Due to matrimonial discord, the relationship between the parties deteriorated and they have been living separately since 4th September, 2019. Several efforts for reconciliation were made, but to no avail.

3. Subsequently, Respondent No. 2 lodged a complaint against the Petitioners, alleging that Petitioner No. 1 compelled her to watch pornographic films and subjected her to unnatural sexual activities. It was further alleged that Petitioner No. 2 made obscene gestures and sexually inappropriate remarks towards her. Based on these allegations, the subject FIR was registered under Sections 377/354A/34 of the IPC. Thereafter, *vide* order on charge dated 6th November, 2023, the charge under Section 377 IPC was dropped; Petitioner No. 1 was charged under Section 354A IPC, while Petitioner No. 2 was charged under Section 509 IPC. The said order has not been challenged by either the State or the Complainant.

4. Pertinently, another FIR bearing No. 425/2021 was registered against, *inter alia*, the Petitioners under Sections 498A/406/34 of the IPC; however, the same already stands quashed by this Court *vide* order dated 19th September, 2022, passed in W.P. (CRL) 2305/2021.

5. The present petition is filed on the ground that the matter is amicably settled between the parties on their own free will, without any coercion, pressure or undue influence. Pursuant thereto, the parties have executed a Memorandum of Understanding⁴ dated 22nd July, 2024. As per the terms of the settlement, Respondent No. 2 has agreed to withdraw all proceedings pending before various Courts. Pursuant to the settlement, Petitioner No. 1



and Respondent No. 2 have obtained a decree of divorce by mutual consent through order dated 8th January, 2025 passed by the Family Courts, Central, Tis Hazari Court, New Delhi.

6. In view of the settlement, the Complainant, who appears before the Court in person and is identified by the Investigating Officer, unequivocally states that she does not wish to pursue the FIR proceedings. She confirms that her decision to settle the matter is voluntary and made without any undue influence or coercion. Since the MoU does not contain any clause pertaining to maintenance or alimony, the Court specifically queried Respondent No. 2 on this aspect. In response, she states that she is conscious of her right to claim maintenance from the Petitioners; however, she does not wish to seek any alimony or maintenance and desires to move on with her life. In light of the amicable resolution between the parties, the Petitioners seek quashing of the subject FIR and all proceedings arising therefrom.

7. The Court has considered the submissions of the parties. While the offence under Section 354A of IPC is non-compoundable, Section 509 is compoundable in certain cases.

8. It is well settled that in the exercise of its inherent powers under Section 482 CrPC (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:

⁴ “MoU”

⁵ (2012) 10 SCC 303



*“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. 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

⁶ (2014) 6 SCC 466



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]

10. Although the offence under Section 354A of the 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.

11. 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.

12. In view of the foregoing, the present petition is allowed FIR No. 238/2020, registered at P.S. Chitranjan Park, as well as all consequential proceedings arising therefrom are hereby quashed.

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

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

SANJEEV NARULA, J

SEPTEMBER 1, 2025/MK