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

+ **CRL.M.C. 1170/2025 with CRL.M.A. 5215/2025**

SORABH SAWHNEYPetitioner

Through: **Mr. R.K. Bedi, Advocate.**

versus

**THE STATE GOVT. OF NCT OF DELHI
AND ANR.**

.....Respondents

Through: **Mr. Laksh Khanna, APP for the State.
Mr. Divyanshu Virmani, Mr. Ayush
Bodwal and Mr. Sunil Panwar,
Advocates for R-2 with R-2 through
VC.
SI Pinky, PS V.K. North, New Delhi.**

**CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA**

ORDER
25.03.2025

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1. The present petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (earlier Section 482 of the Code of Criminal Procedure, 1973²) seeks quashing of FIR No. 842/2015 under Sections 354A, 354 and 509 of the Indian Penal Code, 1860³, registered at P.S. Vasant Kunj North and all proceedings emanating therefrom. In this regard, it is noted that a chargesheet under Sections 354, 354A, 365 and 509 of IPC has already been filed before the Metropolitan Magistrate, Patiala House Court, New Delhi and the trial in this regard, is ongoing.

2. Briefly stated, the facts leading up to the filing of the subject FIR are

¹ "BNSS"

² "Cr.P.C."



that Respondent No. 2 – the Complainant and the Petitioner were co-workers in a multinational company, when on 11th April, 2015, the Complainant was invited by the Petitioner to attend a team party. The Complainant alleges that after the party, the Petitioner insisted on dropping her home, and he sexually harassed and intimidated her while she was in his car. Thereafter, on the next Monday, when the Complainant went to her office, she made a complaint to her company against the Petitioner, but no action was taken in this regard. Thus, finding no other option, the Complainant gave a statement to the police which resulted in filing of the present FIR against the Petitioner under Sections 354A, 354 and 509 of the IPC.

3. Pursuant to the investigation a chargesheet was filed against the Petitioner and charges were framed by the concerned Trial Court. As of now the trial is at the stage of Prosecution Evidence. During the pendency of the said proceedings, the Complainant – Respondent No. 2 relocated to the United States of America.

4. The Petitioner submits that on 23rd December, 2024, with the intervention of common friends and respectable counsel of the parties, both parties amicably agreed to put an end to the litigation between them and the Complainant has decided not to pursue the present FIR against the Petitioner. In this regard, the Petitioner points out that the parties have also executed a Settlement Deed dated 23rd December, 2024 wherein the terms of their settlement has been recorded.

5. A copy of the Settlement Deed dated 23rd December, 2024 has been placed on record and perused by the Court. As per its terms, Respondent No. 2 (the Complainant) and the Petitioner have mutually and out of their own

³ “IPC”



free will, settled their disputes and differences without any monetary compensation. The parties have also mutually agreed to seek quashing of the FIR No. 842/2015, and Respondents No. 2 has agreed to give her no-objection to the same.

6. In view of the settlement, on 10th March, 2025, both the parties appeared before the Joint Registrar of this Court and were duly identified by the Investigating Officer. Both parties confirmed the Settlement Deed and vide separate statements, both parties have stated that they have amicably settled their dispute. They have also confirmed that the said settlement has been arrived at without any force, coercion, undue influence and pressure.

7. Furthermore, today Respondents No. 2 (the Complainant), who has appeared before the Court *via* video conferencing mechanism and is identified by her counsel, states that she does not wish to pursue the present FIR proceedings. She has confirmed that her decision to settle the matter is voluntary and made without any undue influence or coercion.

8. Mr. Laksh Khanna, APP for the State, points out that the proceedings initiated pursuant to the present FIR, are at an advance stage of leading of Prosecution Evidence before the Trial Court. He submits that the statement of the formal witnesses have been recorded and the prosecution witnesses have also been cross-examined.

9. The Court has carefully considered the submissions of the parties. While the offence under Sections 354 and 354A of the IPC is non-compoundable, Section 509 IPC is compoundable by the woman insulted or whose privacy was intruded upon, with the permission of the Court. It is well settled that in the exercise of its inherent powers under Section 482 CrPC (now Section 582 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]

10. Further, in *Narinder Singh & Ors. v. State of Punjab & Anr.*,⁵ 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

⁴ (2012) 10 SCC 303

⁵ (2014) 6 SCC 466



(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]

11. The Court must also take into account the practical realities of securing a conviction in the present case. The Supreme Court has consistently held that where the chances of conviction are remote due to an amicable settlement between the parties, the Court should consider whether continuing the prosecution would serve any meaningful purpose. Since the Complainant has entered into a voluntary and genuine settlement, and is unwilling to pursue the case, the likelihood of conviction diminishes significantly. Thus, considering the totality of circumstances, the Court is of the view that allowing the prosecution of the impugned FIR to continue would serve no useful purpose. It would not only be a waste of judicial time but would lead to an unnecessary burden on the State Exchequer. In light of the settled legal position, the present case is fit for quashing under Section 482 of CrPC.



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

13. In view of the foregoing, the present petitions are allowed and FIR No. 842/2015 under Sections 354A, 354 and 509 of the IPC, registered at P.S. Vasant Kunj North and all proceedings emanating therefrom are hereby quashed.

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

15. Accordingly, the petition is disposed of along with pending applications.

SANJEEV NARULA, J

MARCH 25, 2025/PB