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

+ **W.P.(CRL) 741/2025**

DR SUSHIL KUMAR SAYAL

.....Petitioner

Through: Mr. Girish Kumar, Mr. Aayush
Gautam Udayar Khurana and Mr.
Kartikey Kaushik, Advocates.

versus

THE STATE THROUGH SHO & ANR

.....Respondents

Through: Mr. Amol Sinha, ASC for the State
along with PSI Sahul Handa, PS
Dabri.

Mr. Shubham Dhyani, Advocate for
the complainant along with the
complainant in person.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

05.12.2025

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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. 542/2024, registered under Section 74 of the Bhartiya Nyaya Sanhita, 2023³ at P.S. Dabri and all consequential proceedings emanating therefrom.
2. The prosecution case arises from a complaint lodged by Respondent No. 2, alleging that when she visited Gautam Nursing Home for an

¹ "BNSS"

² "CrPC"

³ "IPC"



ultrasound examination, she was asked to remove her clothing as part of the medical procedure. During this time, the Petitioner, who was working as a doctor at the Nursing Home, inappropriately touched her. Based on this statement, the subject FIR was registered.

3. The parties have now amicably resolved the dispute. Respondent No. 2 has decided not to pursue the present FIR against the Petitioner. In furtherance of this settlement, the parties have executed a Settlement Deed dated 3rd December, 2024, a copy whereof is placed on record and has been perused by the Court. As per its terms, Respondent No. 2 has mutually resolved all disputes and differences with the Petitioner and has agreed to voluntarily give her no objection to the quashing of the subject FIR.

4. The Complainant, who appears 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.

5. Considering the nature of the allegations levelled by the Complainant, the Court has interacted with her to ascertain the reasons for her supporting the quashing of the FIR. She submits that the FIR was lodged under a misunderstanding, as she had initially misconstrued the actions of the Petitioner. She now states that, upon reflection, she realises that the Petitioner's conduct did not carry any sexual intent. She further informs the Court that the Petitioner has already expressed regret, explained his position, and tendered an apology, which she has accepted. She wishes to put the incident behind her and does not desire to continue with the present proceedings.



6. The Court has considered the aforementioned submissions. While the offence under Section 74 BNS is non-compoundable, it is well settled that in the exercise of its inherent powers under 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.**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]

7. 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

⁴ (2012) 10 SCC 303

⁵ (2014) 6 SCC 466



***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]

8. Although the offence under Section 74 of the BNS 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.



9. 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 528 BNSS (corresponding to Section 482 CrPC) to secure the ends of justice.

10. In view of the foregoing, the present petition is allowed, and FIR No. 542/2024, P.S. Dabri, Delhi, as well as all consequential proceedings arising therefrom are hereby quashed.

11. 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 costs of INR 5,000/- with the Delhi Police Welfare Fund within a period of four weeks from today. Proof of deposit be submitted with the concerned IO

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

13. Accordingly, the present petition is disposed of.

SANJEEV NARULA, J

DECEMBER 5, 2025

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