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

+ **CRL.M.C. 1694/2025, CRL.M.A. 7589/2025**

VIKAS SHARMA

.....Petitioner

Through: Mr. Mohit Malik, Advocate.

versus

THE STATE (N.C.T. OF DELHI) & ANR.

.....Respondents

Through: Mr. Ajay Vikram Singh, APP for
State with Ms. Jyoti, ASI, PS-South
Rohini.
Mr. Sujeet Beniwal, Advocate for R-
2.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

02.09.2025

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1. The present petition under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023¹ (formerly Section 482 of the Code of Criminal Procedure, 1973²) seeks quashing of FIR No. 0066/2023³ dated 14th February, 2023 registered under Sections 354/354(D)/506/509 of Indian Penal Code, 1860⁴ at PS, South Rohini.

2. The case of the Prosecution emanates from a complaint filed by Respondent No. 2/Complainant alleging that she came in contact with the Petitioner, a fellow student of BBA in the same college, about 8 months prior to the alleged incident. Both the Petitioner and Respondent No. 2

¹ "BNSS"

² "Cr.P.C"

³ "impugned FIR"

⁴ "IPC"



became part of the same friend group in college and it is alleged that the Petitioner persistently proposed to her for a relationship, and upon refusal, began to harass, threaten, and blackmail her. The Petitioner followed her, threatened to commit suicide if she did not accept his proposal, and further intimidated her with dire consequences, including threats to kill her parents. She alleged that on multiple occasions he behaved inappropriately, including hugging her forcibly, touching her inappropriately, attempting to force her into his car, and on one occasion showing her a firearm to compel her compliance. On 13th February, 2023, Respondent No. 2 alleged that the Petitioner verbally abused her, manhandled her by touching her inappropriately, and assaulted her sexually inside his car, besides threatening to harm her family. Based on her written complaint, the impugned FIR was registered under Sections 354/354D/506/509 of IPC. Subsequently, during the course of investigation, Respondent No. 2's statement under Section 164 of Cr.P.C. was recorded, wherein she reiterated allegations of harassment, criminal intimidation, and further disclosed that the Petitioner had digitally penetrated her. In view of these allegations, Section 376 of IPC was added to the case. Upon completion of investigation, a chargesheet under Sections 354/354D/376/506/509 of IPC was filed against the Petitioner. In her supplementary statement under Section 161 of the Cr.P.C., Respondent No. 2 clarified that the Petitioner had attempted to digitally penetrate her but was unsuccessful. Accordingly, considering the chargesheet and the supplementary statement, the Trial Court, by order dated 2nd November, 2023, framed charges against the Petitioner under Sections 354/354D/506/509/376 of IPC, and, in the alternative, under Section 376 read with Section 511 of IPC.



3. The parties state that, with the intervention of common friends, colleagues and other respectable members of society, Respondent No. 2 has amicably resolved the dispute with the Petitioner and has decided not to pursue the present FIR against him. Pursuant to this settlement, a Memorandum of Understanding⁵ dated 2nd February, 2025, was executed between the Petitioner and Respondent No. 2.

4. The Complainant has supported the Petitioner's prayer for quashing of the FIR and has filed an affidavit giving her no objection. In the said affidavit, she categorically said that her decision to quash the FIR is without any pressure, coercion or undue influence. However, this Court, considering the serious nature of the allegations and the vague assertions made in the affidavit, on 22nd August, 2025, passed the following order:

- 1. The present petition seeks quashing of an FIR involving allegations under Section 376 of the Indian Penal Code, 1860, on the basis of a settlement arrived at between the parties.*
- 2. Respondent No. 2/Complainant, in her statement recorded under Section 164 of the Code of Criminal Procedure, 1973, had alleged that the Petitioner subjected her to digital penetration. However, in light of the settlement, she no longer wishes to pursue the proceedings arising out of the said FIR.*
- 3. Considering the seriousness of the allegations, this Court interacted with Respondent No. 2, who is present in person. She states that the statements made by her under Sections 161 and 164 of Cr.P.C. do not reflect the correct version of events, and that the incident as recorded therein did not actually occur. She further submits that she intends to file an affidavit to this effect.*
- 4. Re-notify on 27th August, 2025.*

5. Respondent No. 2 has now filed an affidavit stating that she was in a

⁵ "MoU"



consensual relationship with the Petitioner, but due to strong objections from her family, she was compelled to lodge the impugned FIR. She has further stated that the allegations in the FIR and her statement under Section 164 Cr.P.C. are incorrect and that no such incident took place and that the accusations were made at the behest of her family members. A copy of the affidavit has been handed over across the Board, and is taken on record.

6. Respondent No. 2, who is present in Court today and is identified by the Investigating Officer, confirms the statements made before this Court on 22nd August, 2025, as well as those set out in the affidavit filed today. She has unequivocally stated that she does not to pursue the present proceedings, expressing her resolve to move forward with her life. She further states that the continuation of the present proceedings, initiated due to misunderstandings, would cause her further trauma and disturb her peace of mind and emotional well-being.

7. The Court has considered the aforementioned facts. While the offences under Sections 376/354/354D/511 of IPC are non-compoundable, Sections 506 and 509 of IPC are compoundable in certain cases. Notably, the offences under Sections 376 and Section 376 read with Section 511 of IPC are serious and heinous offence. The Court is conscious that such charges cannot ordinarily be quashed on the basis of a settlement between the parties. However, in appropriate and exceptional circumstances, Courts have exercised their inherent jurisdiction to quash criminal proceedings, where the factual matrix and the interest of justice so warranted.

8. In this regard, it is apposite to refer to the judgement of the Supreme Court in **Kapil Gupta v. State of NCT of Delhi**, wherein the accused had been charged with offence under Section 376 of the IPC. The Court



observed as under:

“13. It can thus be seen that this Court has clearly held that though the Court should be slow in quashing the proceedings wherein heinous and serious offences are involved, the High Court is not foreclosed from examining as to whether there exists material for incorporation of such an offence or as to whether there is sufficient evidence which if proved would lead to proving the charge for the offence charged with. The Court has also to take into consideration as to whether the settlement between the parties is going to result into harmony between them which may improve their mutual relationship. 14. The Court has further held that it is also relevant to consider as to what is stage of the proceedings. It has been observed that if an application is made at a belated stage wherein the evidence has been led and the matter is at the stage of arguments or judgment, the Court should be slow to exercise the power to quash the proceedings. However, if such an application is made at an initial stage before commencement of trial, the said factor will weigh with the court in exercising its power.”

9. Respondent No. 2, assisted by her counsel, has deposed voluntarily, fully conscious of her legal rights. Throughout her interaction with the Court, she has maintained that she does not support the Prosecution’s case, her relationship with the Petitioner was consensual, there was no incident of physical assault, and that the FIR came to be lodged due to a misunderstanding on her part.

10. Thus, notwithstanding the gravity of the offences in light of the unequivocal stand taken by the Prosecutrix before the Court, the prayer for quashing merits consideration. The likelihood of the FIR culminating in a conviction appears remote, in view of Respondent No. 2’s clear and consistent expression of her unwillingness to pursue the matter any further. The continuation of the criminal proceedings would serve no useful purpose and would only result in unnecessary and prolonged litigation. Rather,



quashing the proceedings would advance the cause of justice and bring quietus to the matter.

11. However, considering that the State Machinery was put in motion, the ends of justice will be served if the Petitioner is put to certain cost.

12. In view of the foregoing, the present petition is allowed and FIR No. 0066/2023, registered at P.S. South Rohini and all the proceedings emanating therefrom are hereby quashed, subject to payment of a cost of INR 10,000/- by the Petitioner to the Delhi Police Welfare Fund, within a period of six weeks from today. The proof of payment of cost be submitted with the concerned IO.

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 2, 2025

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