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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 2239/2025 & CRL.M.A. 10027/2025**
RAHUL KUMARPetitioner

Through: Mr. Sandeep Gupta, Advocate with
Petitioner (in-Person).

versus

STATE (NCT OF DELHI) & ANR.Respondents

Through: Mr. Hemant Mehla, APP for State.
SI Urvashi, P.S. Sonia Vihar.
Ms. Shikha Singh, Advocate for R-2
with Victim (in-Person).

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER
22.07.2025

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1. The present petition filed 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. 230/2024 dated 20th July, 2024, registered under Sections 363 and 376 of Indian Penal Code, 1860³ (corresponding to Sections 137(2) and 64 of the Bharatiya Nyaya Sanhita, 2023⁴) as well as Section 4 of the Protection of Children from Sexual Offences Act, 2012⁵ at P.S. Sonia Vihar, Delhi and all proceedings emanating therefrom.

¹ "BNSS"

² "CrPC"

³ "IPC"

⁴ "BNS"

⁵ "POCSO"



2. Briefly stated, the case of the prosecution is as follows:

2.1. On 20th July, 2024, the Complainant/Respondent No. 2, 'P' D/o 'U', who was 17 years and 6 months old at the time of filing the complaint, stated that she had known Rahul Kumar (the Petitioner/Accused) for the preceding one year, as he was a friend of her cousin brother. Over time, the Complainant and the Petitioner became acquainted during his visits to her cousin's clothing and repair shop. Eventually, the Complainant and the Petitioner exchanged phone numbers and began speaking more frequently.

2.2. In her statement, the Complainant stated that in March 2024, she had visited the Petitioner at his residence, where they engaged in physical relations. Subsequently, in May, when she missed her menstrual cycle, she used a pregnancy test kit, which confirmed that she was pregnant. She further stated that she married the Petitioner on 13th July, 2024 at Arya Samaj Mandir.

2.3. On 19th July 2024, at around 3:00 P.M., the Complainant left her home without informing anyone and went to the residence of one of Rahul's friends. When she could not be located, her family members made a PCR call. The police later traced both the Petitioner and the Complainant and brought them to P.S. Sonia Vihar, Delhi, where the Complainant recorded her statement. Based on her statement, the impugned FIR was registered. Pursuant thereto, a chargesheet *qua* the Applicant also stands filed.

3. Now, with the intervention of respectable members of society, Petitioner and Respondent No. 2 have amicably resolved their disputes and differences and accordingly, Respondent No. 2 has decided not to pursue the present FIR against him. Pursuant to this settlement, a Settlement Deed dated 26th March, 2025, has been executed between them. A copy of the



Settlement Deed has been duly placed on record and perused by the Court. As per its terms, Respondent No. 2 has mutually resolved all disputes with the Petitioner and has agreed to voluntarily give her no objection to the quashing of the impugned FIR. The parties confirm that they have arrived at the settlement out of their own free will, consent and without any coercion or undue force.

4. Since the case involves offences lodged under Sections 363, 376 of IPC and Section 4 of POCSO, the Court has carefully examined the facts of the case and has also interacted with Respondent No. 2, who is present before the Court in person. She clarifies to the Court that the FIR was registered on the basis of a misunderstanding. In fact, in her statement recorded under Section 183 of BNSS (corresponding to Section 164 of CrPC), she expressly stated that she was in a consensual relationship with the Petitioner, i.e., the accused. It is further evident from her statement that she categorically affirmed that she had accompanied the Petitioner of her own free will and had also engaged in physical relations with him voluntarily

5. Respondent No. 2, who is now a major, states that she does not wish to pursue the prosecution or continue with the present case. She reiterates her position and expressly denies the allegations made in the impugned FIR. She affirms that her statement recorded under Section 183 of BNSS (corresponding to Section 164 of CrPC) reflects the true and accurate version of events, and she holds no grievance against the Petitioner. She further states that her parents have accepted her relationship with the Petitioner.

6. Pertinently, the Court notes that the marriage between the Petitioner



and Respondent No. 2 is stated to have been taken place on 13th July 2024, a time when Respondent No. 2 was, seemingly, a minor. Although the marriage on that date, may not be valid in law, nonetheless, she confirms that she is voluntarily residing with the Petitioner, and that she has aborted the child, voluntarily on her own free will.

7. Counsel representing Respondent No. 2, states that she has advised her client regarding the *prima facie* invalidity of the marriage and that Petitioner and Respondent No. 2 shall now, in due course, take appropriate steps to formalise their relationship in the eyes of law.

8. Nonetheless, the Court has considered the aforementioned facts and submissions of the parties. The present case presents a peculiar predicament for the Court. The offences alleged in the subject FIR are under Section 363 and 376 of IPC as well as Section 4 of POCSO, which are non-compoundable. However, it is well settled that in the exercise of its inherent powers under Section 482 of CrPC (corresponding to Section 528 of BNSS), the Court may, in appropriate cases, compound offences which are non-compoundable on the ground that there is a compromise between the accused and the complainant. In **Narinder Singh & Ors. v. State of Punjab & Anr.**,⁶ the Supreme Court laid down guidelines for High Courts while accepting settlement deeds between parties and quashing the proceedings. The relevant observations in the said decision read 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:

⁶ (2014) 6 SCC 466



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. Similarly, in the case of ***Parbatbhai Aahir & Ors. v. State of Gujarat & Anr.***,⁷ the Supreme Court had observed as under:

⁷ (2017) 9 SCC 641



“16. The broad principles which emerge from the precedents on the subject, may be summarised in the following propositions:

16.1. Section 482 preserves the inherent powers of the High Court to prevent an abuse of the process of any court or to secure the ends of justice. The provision does not confer new powers. It only recognises and preserves powers which inhere in the High Court.

16.2. The invocation of the jurisdiction of the High Court to quash a first information report or a criminal proceeding on the ground that a settlement has been arrived at between the offender and the victim is not the same as the invocation of jurisdiction for the purpose of compounding an offence. While compounding an offence, the power of the court is governed by the provisions of Section 320 of the Code of Criminal Procedure, 1973. The power to quash under Section 482 is attracted even if the offence is non-compoundable.

16.3. In forming an opinion whether a criminal proceeding or complaint should be quashed in exercise of its jurisdiction under Section 482, the High Court must evaluate whether the ends of justice would justify the exercise of the inherent power.

16.4. While the inherent power of the High Court has a wide ambit and plenitude it has to be exercised (i) to secure the ends of justice, or (ii) to prevent an abuse of the process of any court.

16.5. The decision as to whether a complaint or first information report should be quashed on the ground that the offender and victim have settled the dispute, revolves ultimately on the facts and circumstances of each case and no exhaustive elaboration of principles can be formulated.

16.6. In the exercise of the power under Section 482 and while dealing with a plea that the dispute has been settled, the High Court must have due regard to the nature and gravity of the offence. Heinous and serious offences involving mental depravity or offences such as murder, rape and dacoity cannot appropriately be quashed though the victim or the family of the victim have settled the dispute. Such offences are, truly speaking, not private in nature but have a serious impact upon society. The decision to continue with the trial in such cases is founded on the overriding element of public interest in punishing persons for serious offences.

16.7. As distinguished from serious offences, there may be criminal cases which have an overwhelming or predominant element of a civil dispute. They stand on a distinct footing insofar as the exercise of the inherent power to quash is concerned.



16.8. Criminal cases involving offences which arise from commercial, financial, mercantile, partnership or similar transactions with an essentially civil flavour may in appropriate situations fall for quashing where parties have settled the dispute.

16.9. In such a case, the High Court may quash the criminal proceeding if in view of the compromise between the disputants, the possibility of a conviction is remote and the continuation of a criminal proceeding would cause oppression and prejudice; and

16.10. There is yet an exception to the principle set out in propositions 16.8. and 16.9. above. Economic offences involving the financial and economic well-being of the State have implications which lie beyond the domain of a mere dispute between private disputants. The High Court would be justified in declining to quash where the offender is involved in an activity akin to a financial or economic fraud or misdemeanour. The consequences of the act complained of upon the financial or economic system will weigh in the balance.”

[Emphasis Supplied]

10. The offences under Sections 363 and 376 of IPC as well as Section 4 of POCSO are grave and serious in nature and as such, cannot be treated as strictly ‘*in personam*’, because they are the bedrock of public concerns rather than being confined to individual grievances. However, 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. Respondent No. 2, in the present case, has unequivocally stated that the allegations made in the FIR are untrue and that she was actually in a consensual loving relationship with the Petitioner. Moreover, the parties



have also been living together and intend to formalise their marriage in due course of time. At present, even Respondent No. 2's family have accepted their union. Respondent No. 2, who is present before the Court, 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 of BNSS to secure the ends of justice.

12. In view of the foregoing, the present petition is allowed and the impugned FIR No. 230/2024 dated 20th July, 2024, registered under Sections 363 and 376 of IPC as well as Section 4 of POCSO at P.S. Sonia Vihar, Delhi and all proceedings emanating therefrom are hereby quashed.

13. The parties shall abide by the terms of the settlement.

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

SANJEEV NARULA, J

JULY 22, 2025

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