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

+ W.P.(CRL) 1383/2025 & CRL.M.A. 12919/2025
AKASH PAL

.....Petitioner

Through: Mr. Rohit Gupta, Advocate.

versus

STATE (GOVT OF NCT OF DELHI)Respondent

Through: Mr. Anand V. Khatri, ASC (Crl.) with
SI Shailini, P.S. Paharganj.
Complainant (in-Person).

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

07.05.2025

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1. The present petition 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. 191/2025³ registered under Section 69 of the Bharatiya Nyaya Sanhita, 2023,⁴ at P.S. Pahar Ganj and all proceedings emanating therefrom.

2. The case of the prosecution is that Respondent No. 2 (the Complainant) and the Petitioner were professional colleagues who developed a friendship over time. The Complainant alleges that in October, 2024, the Petitioner requested her to meet at a particular location. When it

¹ "BNSS"

² "Cr.P.C."

³ "the impugned FIR"

⁴ "BNS"



grew late, the Petitioner suggested they stay at a hotel. Though initially reluctant, the Complainant eventually agreed after the Petitioner reassured her of their impending marriage. It is alleged that during the hotel stay, the Petitioner forcibly established physical relations with the Complainant, despite her resistance, and reiterated his intention to marry her. He allegedly captured photographs and videos of the incident and later used them to blackmail her. The Complainant further alleges that the Petitioner demanded dowry, which she was unable to fulfil, and that upon becoming pregnant, she was given medication by the Petitioner, resulting in the pregnancy not being carried to term. When she sought clarity on the prospect of marriage, the Petitioner allegedly evaded her with repeated excuses. Based on her statement, the impugned FIR came to be registered on 1st March, 2025.

3. It is stated that with the intervention of mutual friends, colleagues, and respected members of the community, the Petitioner and Respondent No. 2 have since resolved their differences and solemnised their marriage on 4th April, 2025. They are presently cohabiting as husband and wife. In view of the subsequent matrimonial union, Respondent No. 2 no longer wishes to pursue the complaint. The parties have reduced their settlement into a Memorandum of Understanding⁵ dated 10th April, 2025, was executed between the Petitioner and the Complainant.

4. During the course of the present proceedings, the statement of the Complainant was recorded before the Joint Registrar of this Court on 29th April, 2025, wherein she confirmed that she has voluntarily and without any pressure or coercion from anyone, settled all her issues and disputes with the

⁵ “MoU”



Petitioner.

5. In view of the settlement, the Complainant, who is present in Court and identified by the Investigating Officer, has unequivocally stated that she does not wish to pursue the FIR proceedings. She has confirmed that she is now married to the Petitioner and is living happily with him. She states that her decision to settle the matter is voluntary and made without any undue influence or coercion. She states that she had earlier lodged an FIR because the Petitioner refused to marry her and the Petitioner had never committed any forcible sexual assault on her.

6. Mr. Anand V. Khatri, ASC (Crl.) for Respondent, opposes the present petition. He states that the offence involved are heinous in nature and involves sexual assault. He further submits that the Complainant has maintained her stand even while making a statement before the Magistrate under Section 164 of the Code of Criminal Procedure, 1973.

7. The Court has considered the submissions of the parties. The offence under Section 69 of BNS i.e. sexual intercourse by employing deceitful means is non-compoundable.

8. It is well settled that in the exercise of its inherent powers under Section 482 Cr.P.C (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.**⁶ 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***

⁶ (2012) 10 SCC 303



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 exercise in futility.”

[Emphasis added]

9. Further, in *Narinder Singh & Ors. v. State of Punjab & Anr.*,⁷ 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 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.

⁷ (2014) 6 SCC 466



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. The Court is conscious that such charges cannot ordinarily be quashed merely on the basis of a settlement between the parties. Offences of this nature are not purely personal in character, rather, they are considered offences against society at large. However, this Court, in appropriate and exceptional circumstances, has exercised its inherent jurisdiction to quash criminal proceedings, where the factual matrix and the interest of justice so warranted. It is relevant to note that Petitioner No. 1 and Complainant solemnised their marriage on 4th April, 2025, and are presently residing together peacefully. Considering this subsequent development, the allegation that physical relations were established under a false promise of marriage no longer survives in the same form in light of the statement made by Complainant today. It is also pertinent that the Complainant has, as noted above, categorically denied that the Petitioner never committed sexual assault. The allegation rests on a purported promise to marry, which given the subsequent solemnisation of marriage between the parties appears to have been a misunderstanding that has since been resolved.

11. Although the offence under Section 69 of 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. 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.

12. In the peculiar circumstances of the present case, the possibility of the FIR culminating in a conviction appears remote, particularly as Respondent No. 2 has unequivocally expressed her unwillingness to pursue the matter any further. In the considered view of the Court, allowing the prosecution to continue would serve no useful purpose and would only prolong unnecessary litigation. Quashing the proceedings, on the other hand, would advance the cause of justice and restore peace between the parties. Accordingly, this Court is of the view that the continuance of criminal proceedings is neither warranted nor expedient.

13. In view of the foregoing, the present petition is allowed and the impugned FIR No. 191/2025, as well as all consequential proceedings arising 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 application(s).

SANJEEV NARULA, J

MAY 7, 2025

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