



\$~27

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

+ **W.P.(CRL) 1430/2025**

SH. YOGENDER GUPTA @ YOGINDER GUPTAPetitioner

Through: *Appearance not given.*

versus

THE STATE GOVT. OF NCT OF DELHI & ANR.Respondents

Through: Ms. Rupali Bandhopadhyaya, ASC for
State with Mr. Abhijeet Kumar and
Ms. Amisha Gupta, Advocates.
Insp. Mahesh Kumar, PS-Dabri.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER
25.09.2025

%

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. 0627/2022 dated 5th July, 2022, registered under Sections 354A/506/509 of the Indian Penal Code, 1860³ read with Sections 66C/66D/67 of the Information Technology Act, 2000⁴ at P.S. Dabri, Delhi and all consequential proceedings emanating therefrom.

¹ "BNSS"

² "CrPC"

³ "IPC"

⁴ "IT Act"



2. The prosecution case, in brief, is that the complainant resides in a rented accommodation along with her minor son and is a prosecution witness in criminal proceedings pending against her husband and in-laws before the Dwarka Court (arising from FIR No. 1190/2015, registered under Sections 498A/406/34 of IPC at P.S. Dabri). It is alleged that her husband, Yogender Gupta, in an attempt to coerce her into a compromise and deter her from deposing against him, threatened to malign her before friends, relatives, and society. It is further alleged that, acting on such threats, the Petitioner created a false Instagram account under the name “aggarwalshwetaol”, using the complainant’s photograph, and posted obscene, false and lewd remarks with intent to malign her reputation. The Petitioner is also alleged to have circulated defamatory and obscene content, including photographs and videos, through social media platforms such as WhatsApp, Messenger, Facebook and YouTube. On the basis of the complainant’s statement, the subject FIR came to be registered.

3. The parties state that, with the intervention of common friends, relatives 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 compromise, a Settlement Deed dated 24th February, 2025, was executed between the Petitioner and Respondent No. 2.

4. A copy of the Settlement Deed has been placed on record and duly perused by the Court. As recorded therein, Respondent No. 2 has resolved all disputes and differences with the Petitioner and has voluntarily consented to the quashing of the present FIR. An Affidavit/No Objection Certificate to that effect has also been filed. The Petitioner had agreed to pay a total sum



of INR 7,50,000/- to Respondent No. 2 in full and final settlement. In the connected petition, CRL.M.C. 2994/2025 (arising out of FIR No. 1190/2015), it has already been recorded *vide* order dated 30th May, 2025, that the said amount stood received by Respondent No. 2 in terms of the Settlement Deed, and the FIR therein was also quashed accordingly.

5. The Complainant/Respondent No. 2, who is present in person and is duly identified by the Investigating Officer, unequivocally states that she does not wish to pursue the subject FIR. She confirms that her decision to settle is voluntary, free from undue influence or coercion, and that she has already received the full settlement amount. In these circumstances, and in view of the amicable resolution between the parties, the Petitioner prays for quashing of the subject FIR and all consequential proceedings emanating therefrom.

6. Insofar as the content allegedly uploaded on social media platforms is concerned, Respondent No. 2 clarifies before this Court that no obscene videos were ever posted. She explains that the allegations primarily related to certain photographs accompanied by derogatory remarks. Upon reflection, she states that she no longer attributes such posts to the Petitioner and suspects that they may have been uploaded by an unidentified third party. It is further confirmed that the impugned content has, for the most part, been removed from all platforms, save for certain residual material on Facebook, which is presently in the process of being taken down.

7. The Court has considered the aforementioned facts and submissions. While the offences under Sections 506/509 of IPC are compoundable in certain cases, the offences under Sections 354A of IPC and Sections 66C/66D/67 of IT Act are non-compoundable. However, it is well settled that in the



exercise of its inherent powers under Section 482 CrPC (corresponding to 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.***⁵ 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 exercise in futility.”

[Emphasis added]

8. Further, in ***Narinder Singh & Ors. v. State of Punjab & Anr.***,⁶ 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

⁵ (2012) 10 SCC 303

⁶ (2014) 6 SCC 466



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. Although the offences under Section 354A of IPC and Sections 66C, 66D, and 67 of IT Act cannot be treated as strictly ‘*in personam*’, since they implicate broader concerns of public morality and misuse of digital platforms, the Court must nevertheless consider the factual circumstances now placed on record. In view of the complainant’s categorical clarification that no obscene material was ever uploaded and that her earlier allegations stemmed from a misunderstanding, the substratum of the prosecution stands materially eroded. The Supreme Court has repeatedly held that where the complainant has voluntarily and bona fide settled the matter and no public interest would be served by continuing the prosecution, the Court may



exercise its inherent jurisdiction to bring quietus to the dispute. In the present case, with the principal witness no longer supporting the allegations, the possibility of securing a conviction is remote, and the continuation of proceedings would serve no useful purpose.

10. The Complainant/Respondent No. 2, who is present before the Court and identified by the Investigating Officer, 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.

11. 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 (corresponding to Section 482 of CrPC) to secure the ends of justice.

12. In view of the foregoing, the present petition is allowed and FIR No. 0627/2022 dated 5th July, 2022, registered under Sections 354A/506/509 of IPC read with Sections 66C/66D/67 of IT Act at P.S. Dabri, Delhi and all consequential proceedings emanating therefrom are hereby quashed.

13. 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 INR 5,000/- with the Delhi Police Welfare Fund within a period of four weeks from today.

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

SEPTEMBER 25, 2025

nk