



\$~21

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

+ **W.P.(CRL) 1492/2025**

DEEPAK KUMAR

.....Petitioner

Through: Mr. Santosh Dixit, Advocate.

versus

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

Through: Mr. Sanjay Lao, Standing Counsel for
the State along with SI Anuradha, PS
Harsh Vihar.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

%

06.11.2025

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. 945/2021 dated 21st December, 2021, registered under Sections 354(D) and 506 of the Indian Penal Code, 1860³ read with Section 12 of Protection of Children from Sexual Offences Act, 2012⁴ and Section 66E of the Information Technology Act, 2000⁵, at P.S. Harsh Vihar, Delhi and all consequential proceedings emanating therefrom.

2. Briefly stated, the case of the prosecution against the Petitioner is that

¹ "BNSS"

² "CrPC"

³ "IPC"

⁴ "POCSO Act"



a complaint was received from the Complainant/Respondent No. 2 (the victim), a college student, alleging that one Deepak, a resident of Harsh Vihar, had been harassing and blackmailing her. In her complaint, the victim stated that when she was about 16 years old and studying in school the accused used to follow her and persistently sought to befriend her despite her refusal. It is alleged that the accused obtained her home telephone number and begin calling her from his mobile number XXXXXX3906, inducing her to send objectionable photographs of herself on WhatsApp and also capturing certain intimate pictures without her consent. The complainant further stated that although she severed contact with the accused thereafter, he continued to harass her from different numbers and later, in November 2021, again contacted her pressurising her to meet him. Upon her refusal, the accused allegedly created a fake Instagram account uploaded her objectionable photograph and tagged her and her friends. When confronted, he admitted to having posted the image and threatened to upload more unless she complied with his demands. He thereafter repeatedly called and blackmailed her threatening to circulate her intimate photos and videos. On 20th December 2021, the accused again threatened her over a phone call, the recording of which was preserved by the complainant. Consequently, based on the statement, the FIR was registered on 21st December, 2021 at P.S. Harsh Vihar, Delhi.

3. The parties state that, with the intervention of respectable members of the society, they have amicably resolved the matter between themselves, and the Complainant/Respondent No. 2 has decided not to pursue the present FIR against the Petitioner. Pursuant to this settlement, a Settlement Deed

⁵ “IT Act”



dated 06th November, 2024, was executed between the Petitioner and the Respondent No. 2.

4. A copy of the Settlement Deed has been placed on record and 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.

5. The Complainant/Respondent No. 2, now an adult, appearing in person, duly identified by the Investigating Officer, unequivocally states that she does not wish to pursue the FIR proceedings. She submits that the matter has been amicably resolved between the parties and confirms that her decision to settle is voluntary and made without any undue influence or coercion. The Petitioner, who is also present in person and identified by the Investigating Officer, has expressed remorse and apologised for his past conduct, which the Complainant has accepted. She further states that she is presently pursuing her master's degree and that undergoing the entire trial would cause her unnecessary trauma. It is also stated that ever since the case was lodged, the Petitioner has not attempted to contact her and has deleted all objectionable posts, and that no such photographs presently exist on any online platform. In these circumstances, the Complainant submits that she has no objection if the subject FIR and all proceedings arising therefrom are quashed.

6. The Court has considered the aforementioned submissions. While the offence under Section 506 IPC is compoundable, the offences under Sections 354D IPC, Section 12 POCSO Act and Section 66E 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.*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 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.*,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:

⁶ (2012) 10 SCC 303

⁷ (2014) 6 SCC 466



(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 offences under Sections 354D IPC, Section 12 POCSO Act and Section 66E IT Act cannot be treated as strictly '*in personam*', and they touch 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.

10. 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.

11. In view of the foregoing, the present petition is allowed and FIR No. 945/2021 dated 21st December, 2021, registered under Sections 354(D) and 506 IPC read with Section 12 POCSO Act and Section 66E IT Act, at P.S. Harsh Vihar, Delhi and all consequential proceedings emanating therefrom are hereby quashed.

12. Having regard to the nature of the Petitioner's conduct, this Court is of the view that he must undertake community service as a measure of accountability. Accordingly, the Petitioner is directed to perform community service at Lok Nayak Jai Prakash Narayan Hospital for a period of one month, i.e., from 10th November, 2025 to 10th December, 2025. The Petitioner shall report to the Medical Superintendent of Lok Nayak Jai Prakash Narayan Hospital on 10th November, 2025 for instructions and assignment of duties. Upon completion of the said period, a certificate confirming the completion of community service shall be issued by the Medical Superintendent and the same shall be filed with the Registry. In the event of any absenteeism, default, or misconduct on the part of the Petitioner during the course of the community service, the same shall be immediately reported by the Medical Superintendent to the concerned SHO, who shall, in



turn, inform the APP for placing the matter before this Court and seeking appropriate orders, including revival of the FIR.

13. This Court further considers it appropriate that since 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

NOVEMBER 6, 2025/MK