



2025:DHC:4911



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% *Date of decision: 26.05.2025*+ **CRL.M.C. 3512/2025**

SHAVEJ RAHIL

.....Petitioner

Through: Mr. K.M. Gautam, Advocate
alongwith petitioner in person
versus

GOVT. OF NCT DELHI & ANR.

.....Respondents

Through: Mr. Naresh Kumar Chahar,
APP for the State
Mr. Priyaranjan Kumar,
Advocate for R-2 alongwith R-
2 in person

CORAM:**HON'BLE DR. JUSTICE SWARANA KANTA SHARMA****JUDGMENT****DR. SWARANA KANTA SHARMA, J. (ORAL)****CRL.M.A. 15492/2025 (exemption)**

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

CRL.M.C. 3512/2025

3. By way of the present petition, the petitioner seeks quashing of the FIR bearing no. 430/2024, registered at Police Station Dayalpur, Delhi, for the commission of offence punishable under Sections 363/366/376(2)(n)/ 506/509 of the Indian Penal Code, 1860 [hereafter 'IPC'] and Section 6 of the Protection of Children from



Sexual Offences Act, 2012 [hereafter '*POCSO Act*'] on the basis of a compromise entered between the parties.

FACTS OF THE CASE

4. Briefly stated, the facts of the present case are that the present FIR had been registered on 31.07.2024, on the allegations that the petitioner had forcibly taken the victim (respondent no. 2 herein) to various hotels, where he had made inappropriate and obscene videos of her. There were specific allegations that he had also burnt her private parts with a cigarette and had forced her to consume liquor and smoke. Furthermore, it was alleged that on 14.07.2024, he had sent her a text message threatening that he would have her gang-raped unless she accompanied him to a hotel. It was also alleged that he had mercilessly beaten her and had sexually assaulted her. Subsequently, on 21.07.2024, he had posted obscene videos of the victim on Instagram, following which her family members had begun receiving phone calls from friends and relatives regarding the said content. Thereafter, the petitioner had demanded a sum of Rs. 5 lakhs from the victim. It was also specifically alleged that he had threatened to throw acid on her face and disfigure her.

SUBMISSIONS BEFORE THE COURT

5. The learned counsel appearing for the petitioner argues that respondent no. 2 has voluntarily agreed to cooperate in quashing the FIR, and both parties along with their families have mutually agreed not to initiate any future proceedings against each other. It is argued



that prior to the FIR, there existed a cordial relationship between the parties, including an engagement, and there is no ill will between the parties, which renders the continuation of these criminal proceedings purposeless. The learned counsel contends that proceeding with the trial would amount to abuse of process of the court, waste precious judicial time, and serve no ends of justice, especially when there is no material evidence to establish the offence. The learned counsel further draws this Court's attention to a Memorandum of Understanding dated 10.03.2025 entered into between the parties, wherein they have amicably decided to settle the dispute and get the present FIR quashed. He also submits that statements of both the petitioner and respondent no. 2 have already been recorded by the learned Registrar (Judicial) of this Court. Thus, it is prayed that this case, marked by mutual understanding and absence of ill will, is a fit case for quashing the FIR to bring about a just and amicable resolution.

6. The learned APP for the State, on the other hand, argues that cases involving serious and heinous allegations, such as those of sexual assault and physical brutality, should not be quashed merely on the basis of a compromise between the parties. It is contended that the alleged offence in question is a crime against the society which demands a full and fair trial, and powers under Section 482 of Cr.P.C. must be exercised with caution, and quashing should not be permitted where FIR discloses such serious allegations. It is therefore prayed that the present petition be dismissed.



7. This Court has **heard** the arguments addressed by learned counsel appearing for both the sides, and has perused the material placed on record.

ANALYSIS & FINDINGS

8. The petitioner and respondent no. 2 have approached this Court, seeking quashing of the FIR registered for the offence Sections 363/366/376(2)(n)/506/509 of the IPC and Section 6 of the POCSO Act. In this context, the Court is required to be guided by the principles laid down by the Hon'ble Supreme Court, while exercising power under Section 482 of Cr.P.C. for quashing of criminal proceedings on the ground of settlement or compromise between the parties.

9. The Hon'ble Supreme Court in case of **Narinder Singh v. State of Punjab: (2014) 6 SCC 466**, after taking note of its earlier decision in case of **Gian Singh v. State of Punjab: (2012) 10 SCC 303**, had laid down the following principles which would guide High Courts in adjudicating cases relating to quashing of criminal proceedings on the basis of settlement:

“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.

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 added)

10. Similarly, in ***State of M.P. v. Madanlal***: (2015) 7 SCC 681, the Hon’ble Supreme Court had expressed as under:

"We would like to clearly state that in a case of rape or attempt of rape, the conception of compromise under no circumstances can really be thought of."



11. A perusal of the above-referred precedents reveal that the consistent view taken by the Hon'ble Supreme Court in a catena of judgments is that FIRs registered for commission of serious offences, including the offence of rape, ought not to be quashed merely on the basis of a settlement or compromise arrived at between the victim and the accused. At the same time, it is equally well-recognized that the Hon'ble Supreme Court has clarified that there is no absolute bar on quashing an FIR registered for commission of offence under Section 376 of IPC; however, such relief is generally granted in exceptional circumstances. Needless to say, while deciding such quashing petitions, the Courts are required to undertake a comprehensive analysis of the facts and circumstances of each case, including but not limited to the contents of the FIR, the victim's statement recorded before the Magistrate, and the terms and genuineness of the settlement between the parties.

12. The petitioner had filed the present petition on the basis of a settlement arrived at between the parties; however, this Court was not inclined to quash the proceedings solely on the ground of settlement in view of the decisions of the Hon'ble Supreme Court. The learned counsel for the petitioner however insisted that since the parties have settled the disputes, an order be passed in this case.

13. This Court has given due consideration to the disturbing details set out in the FIR. Though the accused and the victim have sought quashing of the FIR, this Court is of the considered view that such



power must be exercised strictly in accordance with the principles laid down by the Hon'ble Supreme Court. Having already observed that the present case is not fit for quashing on the basis of compromise, and despite insistence by learned counsel to decide it, as per law in view of judicial precedents since this Court as well as the coordinate benches of this Court have had quashed FIRs and criminal proceedings under Section 376 of IPC, this Court reiterates that in cases involving grave and heinous offences, especially those which shock the conscience of the Court, proceedings/FIRs cannot be quashed merely on the strength of a private settlement.

14. As noted earlier, the allegations in the present case reveal serious acts of sexual assault and physical abuse upon a minor. Such offences affect the collective conscience of society and, by their very nature, preclude the exercise of inherent powers under Section 482 of Cr.P.C. on the basis of a compromise.

15. The victim had appeared before the Court and upon being asked as to whether she wanted to compromise the matter voluntarily and the reason for the same, the victim assisted by the learned APP for the State, her own counsel and one of her family members, stated that she does not want to proceed with the case, since she wants to get married and the pendency of the present case will cause hindrance in the same. In this background, the Court notes that though the victim and the accused have jointly approached this Court seeking quashing of the FIR on the basis of a compromise, the reasons put



forth by the victim reveals a more complex reason hidden in the background of societal pressures. She has stated that she wishes to marry someone else and fears that the pendency of these proceedings – arising from her complaint against the accused, which details brutal rape, repeated threats of acid attack, and merciless burning with cigarettes on her private parts and other parts of the body – would hinder her future prospects of marriage to someone else.

16. This Court notes that it is not the case of either of the parties that the complaint in question was made in the heat of the moment, or as a result of impulsive decision-making. Rather, it appears that the complaint was filed after due deliberation, with the informed support of her family. While it is well-recognized that FIRs under Section 376 of IPC may, in exceptional circumstances, be quashed, for instance, where the parties have since married, where both the parties were adolescents and had eloped, or where mitigating factors exist without aggravating brutality, such grounds are however absent in the present case. The nature and extent of the cruelty alleged in this case is evident in every word of the complaint lodged by the complainant.

17. The submissions made before this Court appear to proceed on the assumption that the Court is bound to accept the compromise solely on the wishes of the complainant and the accused as was reflected in the insistent arguments of the counsel for the accused. It was urged that the accused be spared trial and the complainant be allowed to move on with her life by marrying someone, citing social



stigma. However, this Court cannot lose sight of the fact that even today, before the Court, the victim has not denied commission of the offences or the brutality of the acts described in her complaint.

18. Therefore, while the victim and the accused may believe that the dispute is purely personal, offences of such grave nature, particularly those under Section 376 of IPC involving extreme brutality, transcend the individual and implicate broader societal interests. An FIR for offence of rape and sexual assault cannot be merely treated as a matter between two individuals; such cases also involve and impact the State and the community at large.

19. It must also be noted that a judgment delivered by a constitutional court does not only affect the parties before it, but also sets a precedent with consequences for the society. The present case is not one where refusal to quash the FIR would result in an infringement of the fundamental rights of either party.

20. This Court notes that the allegations, which include the minor victim being burnt with cigarettes on her private parts, forced to consume liquor, and subjected to repeated threats of acid attack and disfigurement, not only shock the conscience of the Court but also reveal the cruel and depraved conduct of the accused. While the victim's stated reason, that she wants to marry someone else, may reflect a personal choice, it also exposes the harsh realities faced by survivors of sexual violence. Many such victims may feel compelled to withdraw their complaints due to societal stigma or fear of being



ostracized. It is not lost on this Court that the victim has undergone extreme trauma and may now view discontinuing the case as a means to escape the past and secure a future.

21. While a court of law may not possess behind-the-scenes knowledge of what led to a compromise in such a case, it remains mindful of its responsibility to consider the social context while rendering its decision. A victim of sexual assault is not merely a victim at the moment the offence is committed, but remains one until justice is served or until she is compelled, often by social pressure or personal circumstances, to abandon her pursuit of justice. It is indeed a harsh reality that, in order to marry another man, a sexual assault survivor may feel constrained to withdraw a genuine complaint, even when she does not deny the occurrence of the offence by another man. Such societal expectations are deeply troubling and highlight the urgent need for a justice system that protects the dignity and autonomy of victims without requiring them to forgo justice in exchange for social acceptance.

22. The seriousness of the allegations and the brutality disclosed therein are significant considerations in the present case. Whether a victim's unwillingness to pursue a criminal case should weigh in favour of the accused must necessarily be assessed on a case-to-case basis. However, the vulnerability of women who are subjected to sexual assault, and who thereafter face the societal stigma of being considered "unfit" for marriage until they withdraw their genuine



complaints, is not a novel argument before this Court. It highlights the unfortunate reality that a victim's suffering does not end with the filing of a chargesheet; her vulnerability continues long thereafter.

23. This Court cannot ignore the historical and continuing imbalance of power between men and women in such circumstances. It is often observed that even with a pending criminal case against him, a man may still find social acceptance and opportunities to settle or resettle in life. Conversely, a female victim of sexual assault, burdened by stigma and societal expectations, may find it difficult to move forward unless she withdraws her complaint, as is reflected in the present case.

24. Adopting an approach that prioritizes compromise in such heinous cases, particularly on the ground that the victim seeks to settle her personal life, would not be consistent with the law laid down by the Hon'ble Supreme Court. Needless to say, at times the law may be interpreted in a more 'generous' rather than a strictly 'legalistic' manner to fulfil the purpose of delivering complete justice. **However, a constitutional Court must remain ever faithful to the Constitution and the community it serves, carefully considering the legislative intent and the work undertaken by Parliament while passing its judgment. It must uphold the values and protections that Parliament, and hard-won jurisprudence, has established for victims of sexual assault, including the accountability of those accused of such crimes.**



25. One judgment, particularly in a sensitive case such as this, can set a precedent that reverberates across society. If courts were seen as supporting the view that a victim must first withdraw her complaint to be deemed “eligible” to marry or resettle, it would perpetuate the deeply entrenched imbalance of gendered power dynamics. Such a position would not only erode constitutional norms but would also send a harmful message that perpetrators of sexual assault can escape accountability by exploiting the social vulnerabilities of their victims.

26. This Court, therefore, is of the firm view that it would not be in the interest of justice or of society at large to quash the present FIR. To do so, given the facts, the nature of allegations, and the ground on which quashing is sought, would gravely compromise the protected interests of society and pose a serious risk to the dignity and safety of sexual assault survivors. It may foster a dangerous perception that after committing such heinous crimes, an accused can coerce the victim, directly or indirectly, into dropping the case, and evade the legal consequences of his actions. **In such circumstances, the victim continues to be a victim** – not only when the offence is committed but even thereafter, until she is able to live a life free from the shadow of that crime. To take a view that facilitates the accused in avoiding trial would amount to judicially condoning unacceptable and punishable conduct, which is antithetical to constitutional values. A Court must tread with utmost caution in such matters, and this Court finds no ground to quash the FIR in the present case.



27. Taking into account the entire facts and circumstances of this case, this Court is of the opinion that quashing the FIR on the ground that its pendency would hinder the victim from finding a suitable match would set a dangerous precedent. Such an order would contribute to the perception that victims of sexual assault remain vulnerable in their personal lives while criminal proceedings are ongoing, whereas the accused, despite facing serious allegations, could exploit this societal bias to seek quashing of the FIR and evade accountability.

28. Considering the entire facts and circumstances of the present case, including the serious allegations levelled against the petitioner, this Court finds no merit or sufficient ground to quash the FIR. This Court further observes that quashing the FIR on the ground that its pendency may hinder the victim from finding a suitable match would contribute to a dangerous perception within the community – that victims of sexual assault remain vulnerable in their personal lives while criminal proceedings are ongoing, whereas the accused, despite facing grave allegations, may exploit this societal bias to evade accountability. Heinous crimes, especially those involving minors, must be allowed to proceed to their logical and lawful conclusion, irrespective of any subsequent compromise or reluctance to pursue prosecution.

29. In view of the foregoing discussion, this Court is not inclined to quash the present FIR.



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30. Accordingly, the present petition stands dismissed.
31. Nothing expressed hereinabove shall tantamount to an expression of opinion on the merits of the case.
32. The order be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

MAY 26, 2025/ns