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

+ CRL.M.C. 3690/2025, CRL.M.A. 16229/2025

SWATI SAXENA

.....Petitioner

Through: In person.

versus

THE STATE (NCT OF DELHI)

.....Respondent

Through: Mr. Sameer Chandra, Mr. Aryan
Tomar and Mr. Shubham Parashar,
Advocates for R-2.
Mr. Hemant Mehla, APP for State
with Mr. Rahul Kumar, SI, PS-Saket.

+ CRL.M.C. 3831/2025, CRL.M.A. 16765/2025

SANJEEV KUMAR SAXENA

.....Petitioner

Through: Mr. Sameer Chandra, Mr. Aryan
Tomar and Mr. Shubham Parashar,
Advocates.

versus

THE STATE (NCT OF DELHI) AND ANR

.....Respondents

Through: Mr. Hemant Mehla, APP for State
with Mr. Rahul Kumar, SI, PS-Saket.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **16.07.2025**

1. The present petitions have been filed under Section 482 of Criminal
Procedure Code, 1973¹ (now Section 528 of Bharatiya Nagarik Suraksha

¹ "CrPC"



Sanhita, 2023²), seeking quashing of cross FIRs, the details of which are as follows:

- (i) In CRL.M.C. 3831/2025- FIR No. 257/2024 under Section 354 of the Indian Penal Code, 1860,³ registered at P.S. Saket, Delhi, at the instance of Ms. SS, against Sanjeev Kumar Saxena;
- (ii) In CRL.M.C. 3690/2025- FIR No. 100/2025 under Sections 384/506 of IPC, registered at P.S. Saket, Delhi, the instance of Sanjeev Kumar Saxena, against Ms. SS.

2. Briefly stated, the case of Ms. SS against the accused Sanjeev Saxena is that on 29th April, 2024 at around 3:30 PM, Ms. SS visited Sanjeev Saxena's chambers in the Saket District Court to brief him on a POCSO matter. During this meeting, Sanjeev Saxena allegedly grabbed the Ms. SS's hand, pulled her towards himself and inappropriately touched her on her waist and private parts. Ms. SS immediately pushed him away and fled from his chambers. The incident left her deeply traumatized leading and accordingly, she filed the FIR No. 257/2024 at P.S. Saket, Delhi.

3. On the other hand, Sanjeev Saxena, filed a complaint against Ms. SS, stating that Ms. SS was associated to him in a professional capacity, wherein she used to get him clients for court representation. He alleged that in January 2024, Ms. SS asked him to give her a loan of INR 3 lakh/ for some beautification treatment. However, the Complainant declined to grant the accused the said loan. On 29th April, 2024, following their discussion of a POCSO matter, Ms. SS allegedly reiterated her demand for the loan amount, threatening Sanjeev Saxena of dire consequences. When he objected to her behaviour, she allegedly threatened to file a false rape case against him if he

² "BNSS"

³ "IPC"



did not comply with her demand for the loan. Subsequently, Sanjeev Saxena registered FIR No. 100/2025 at P.S. Saket, Delhi.

4. In FIR No. 257/2024, the chargesheet has been filed against the respective accused and the matter is pending consideration of the Trial Court. The Petitioners submit that during the pendency of the trial proceedings in the above case, on the intervention of relatives and respectable persons of society, the parties have amicably settled the dispute between themselves. In this regard, the Petitioners in both cases submit that they have also executed a Memorandum of Understanding⁴ dated 21st April, 2025. The said MoU is executed between all the parties:

- i. Ms. SS the Complainant in FIR No. 257/2024 and accused in FIR No. 100/2025;
- ii. Sanjeev Kumar Saxena the Complainant in FIR No. 100/2025 and accused in FIR No. 257/2024

5. As per the MoU, both the complainants, *i.e.*, Ms. SS and Sanjeev Kumar Saxena, have agreed to settle the matter and seek joint quashing of the litigations arising out of the cross FIRs. A copy of the MoU has been placed on record, and is perused by the Court. In view of this settlement, the Complainants present in Court have expressed their unequivocal intent not to pursue the FIR proceedings. They confirm to the Court that they are not under any undue influence or coercion and have taken the decision to settle the matter voluntarily. The Complainant in FIR No. 257/2024 (Respondent No. 2 in CRL.M.C. 3831/2025) has explained that the allegations made in the FIR arose from a misunderstanding relating to the actions of the accused. However, on further reflection, she has clarified that her impression was not

⁴ “MoU”



correct. Nonetheless, the Petitioner in CRL.M.C. 3831/2025, has tendered an unconditional apology to Ms. SS, explaining that he has always treated her like his own daughter and has never carried a bad intent towards her. Respondent No. 2 states that she has accepted the apology the Petitioner.

6. The Court has considered the submissions of the parties. While the offences under Sections 354 and 384 of IPC are non-compoundable, the offence under Section 506 of IPC is compoundable in certain cases. It is well settled that in the exercise of its inherent powers under Section 482 CrPC (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.

7. The Supreme Court in **Gian Singh v. State of Punjab & Anr.**⁵ has clarified that even non-compoundable offences can be quashed on the basis of a settlement between the parties if the circumstances so warrant. The relevant portion of the judgment states:

“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.”

8. Further, in **Narinder Singh & Ors. v. State of Punjab & Anr.**,⁶ the Supreme Court held as follows:

⁵ (2012) 10 SCC 303



“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.”

[Emphasis Supplied]

9. While it is true that offences under Sections 354 and 384 of IPC are not offences in *personam*, and they touch upon society at large and not just the individual complainant, however, the Court must also take into account the practical realities of securing a conviction in the present case. The Supreme Court has consistently held that where the chances of conviction are remote due to an amicable settlement between the parties, the Court should consider whether continuing the prosecution would serve any meaningful purpose. Since the Complainants have entered into a voluntary and genuine settlement, and are unwilling to pursue the case, the likelihood of conviction diminishes significantly. Thus, considering the totality of circumstances, the Court is of the view that allowing the prosecution of the impugned FIRs to continue would serve no useful purpose. It would not only be a waste of judicial time but would lead to an unnecessary burden on the

⁶ (2014) 6 SCC 466



State Exchequer. In light of the settled legal position, the present case is fit for quashing under Section 482 of CrPC.

10. In view of the foregoing, the present petitions are allowed and FIR No. 0100/2025 and FIR No. 257/2024, both registered at P.S. Saket are quashed. Accordingly, all proceedings emanating from the above two FIRs are also quashed.

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

12. Accordingly, the petition is disposed of.

13. Pending applications, if any, are disposed of as infructuous.

SANJEEV NARULA, J

JULY 16, 2025

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