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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 4037/2025, CRL. M.A. 17551/2025**
FARHAN KHAN ALIAS JONYPetitioner

Through: Mr. Aviram and Mr. Raj Kumar,
Advocates.

versus

THE STATE NCT OF DELHI AND ORSRespondents
Through: Mr. Mukesh Kumar, APP for State.
SI Akash Kumar, P.S. Bhajan Pura.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **21.07.2025**

1. The present petition filed 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. 363/2013 dated 7th September, 2013, registered under Section 363 of the Indian Penal Code, 1860³ at P.S. Bhajan Pura, Delhi and all proceedings emanating therefrom. Pursuant thereto, chargesheet has been filed *qua* the Applicant whereby the offences under Sections 376 of IPC as well as Section 6 of the Protection of Children from Sexual Offences Act, 2012⁴ have been added.
2. The Petitioner is the husband of Respondent No. 2, while Respondent No. 3, who is also the complainant in the present case, is the mother of

¹ "BNSS"

² "CrPC"

³ "IPC"

⁴ "POCSO"



Respondent No. 2. The marriage between the Petitioner and Respondent No.2 was solemnized on 4th October, 2016, as per Muslim rites and ceremonies. There are two children from the said marriage.

3. Briefly stated, the present case arises from a complaint filed by the Complainant/Respondent No. 3, alleging that the Petitioner had kidnapped Respondent No. 2 on 6th September, 2013. On the basis of her complaint, the impugned FIR came to be registered. Pursuant to the investigation, a chargesheet was filed, and charges have been framed against the Petitioner by the Court of the Additional Sessions Judge-01, North East District, Karkardooma Courts, Delhi.

4. However, during the pendency of these proceedings seeking quashing of the FIR, a settlement has been arrived at between the parties voluntarily, without any pressure, coercion, or undue influence. Respondent No. 2 states that she is now living happily with the Petitioner and has no grievance against him.

5. Since the case involves offences lodged under Sections 363, 376 of IPC and Section 6 of POCSO, the Court has carefully examined the facts of the case and has also interacted with Respondent No. 2, who is present before the Court in person. She clarifies to the Court that the FIR was registered on the basis of a misunderstanding. In fact, she states, that she was in a consensual relationship with the Petitioner i.e., the accused. It is further noted that in her statement recorded under Section 164 of CrPC, the Respondent entirely denies the allegations of kidnapping. On the contrary, she explains, she went with the Petitioner on her own free will without informing anyone at home.

6. Pertinently, she also states that both she and the Petitioner had



mutually decided to get married and settle down with one another. This decision, she asserts, was made independently and without any pressure or undue influence. They have since married and from this marriage, they have two children.

7. Upon a specific query posed by the Court, Respondent No. 2 reiterates her stand and expressly refutes the allegations made in the impugned FIR. She confirms that her statement recorded under Section 164 of CrPC reflects the true and correct version of events and that she harbours no grievance against the Petitioner. In view of the foregoing, the parties jointly pray for the quashing of the impugned FIR.

8. The Court has considered the afore-noted facts. The present case presents a peculiar predicament for the Court. The offences alleged in the subject FIR are under Sections 363 and 376 of IPC and Section 6 of POCSO, which are all non-compoundable offences. However, it is well settled that in the exercise of its inherent powers under Section 482 CrPC (corresponding to Section 582 BNSS), the Court may, in appropriate cases, compound offences which are non-compoundable on the ground that there is a compromise between the accused and the complainant. In **Narinder Singh & Ors. v. State of Punjab & Anr.**,⁵ the Supreme Court laid down guidelines for High Courts while accepting settlement deeds between parties and quashing the proceedings. The relevant observations in the said decision read as under:

“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

⁵ (2014) 6 SCC 466



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 Supplied]

9. Similarly, in the case of ***Parbatbhai Aahir & Ors. v. State of Gujarat***



& *Anr.*,⁶ the Supreme Court had observed as under:

“16. The broad principles which emerge from the precedents on the subject, may be summarised in the following propositions:

16.1. Section 482 preserves the inherent powers of the High Court to prevent an abuse of the process of any court or to secure the ends of justice. The provision does not confer new powers. It only recognises and preserves powers which inhere in the High Court.

16.2. The invocation of the jurisdiction of the High Court to quash a first information report or a criminal proceeding on the ground that a settlement has been arrived at between the offender and the victim is not the same as the invocation of jurisdiction for the purpose of compounding an offence. While compounding an offence, the power of the court is governed by the provisions of Section 320 of the Code of Criminal Procedure, 1973. The power to quash under Section 482 is attracted even if the offence is non-compoundable.

16.3. In forming an opinion whether a criminal proceeding or complaint should be quashed in exercise of its jurisdiction under Section 482, the High Court must evaluate whether the ends of justice would justify the exercise of the inherent power.

16.4. While the inherent power of the High Court has a wide ambit and plenitude it has to be exercised (i) to secure the ends of justice, or (ii) to prevent an abuse of the process of any court.

16.5. The decision as to whether a complaint or first information report should be quashed on the ground that the offender and victim have settled the dispute, revolves ultimately on the facts and circumstances of each case and no exhaustive elaboration of principles can be formulated.

16.6. In the exercise of the power under Section 482 and while dealing with a plea that the dispute has been settled, the High Court must have due regard to the nature and gravity of the offence. Heinous and serious offences involving mental depravity or offences such as murder, rape and dacoity cannot appropriately be quashed though the victim or the family of the victim have settled the dispute. Such offences are, truly speaking, not private in nature but have a serious impact upon society. The decision to continue with the trial in such cases is founded on the overriding element of public interest in punishing persons for serious offences.

⁶ (2017) 9 SCC 641



16.7. As distinguished from serious offences, there may be criminal cases which have an overwhelming or predominant element of a civil dispute. They stand on a distinct footing insofar as the exercise of the inherent power to quash is concerned.

16.8. Criminal cases involving offences which arise from commercial, financial, mercantile, partnership or similar transactions with an essentially civil flavour may in appropriate situations fall for quashing where parties have settled the dispute.

16.9. In such a case, the High Court may quash the criminal proceeding if in view of the compromise between the disputants, the possibility of a conviction is remote and the continuation of a criminal proceeding would cause oppression and prejudice; and

16.10. There is yet an exception to the principle set out in propositions 16.8. and 16.9. above. Economic offences involving the financial and economic well-being of the State have implications which lie beyond the domain of a mere dispute between private disputants. The High Court would be justified in declining to quash where the offender is involved in an activity akin to a financial or economic fraud or misdemeanour. The consequences of the act complained of upon the financial or economic system will weigh in the balance.”

[Emphasis Supplied]

10. The offences under Sections 363 and 376 of IPC as well as Section 6 of POCSO are grave and serious in nature and as such, cannot be treated as strictly ‘*in personam*’, because they are the bedrock of public concerns rather than being confined to individual grievances. However, 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.



11. Respondent No. 2, in the present case, has unequivocally stated that the allegations made in the FIR are untrue and that she was actually in a consensual loving relationship with the Petitioner. Moreover, the parties have also been living together and have two children from their marriage. She has further categorically expressed her unwillingness to pursue the matter further and has confirmed the compromise as voluntary and devoid of any coercion. Given this background, the continuation of the criminal proceedings would amount to an empty formality, adding to the burden of the justice system and consuming public resources unnecessarily. 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 exercising its jurisdiction under Section 528 of BNSS (corresponding to Section 482 of CrPC) to secure the ends of justice.

12. In view of the above, the FIR No. 363/2013 dated 7th September, 2013, registered at P.S. Bhajan Pura, Delhi and all consequential proceedings emanating therefrom are hereby quashed.

13. The present petition is allowed in the aforesaid terms. Pending applications, if any, also stand disposed of.

SANJEEV NARULA, J

JULY 21, 2025

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