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

+ CRL.M.C. 4200/2025 and CRL.M.A. 18316/2025

KAPIL GOSAIN

.....Petitioner

Through: Mr. Piyush Pahuja, Mr. Upender Kumar and Mr. Tushar Yadav, Advocates with petitioner in person.

versus

STATE OF NCT DELHI & ORS.

.....Respondents

Through: Mr. Digam Singh Dagar, APP for the State with Si Vandana Kashyap, DIU, West and SI Jyoti, PS – Hari Nagar. Mr. Rohan Anand and Mr. Mouktik Bansal, Advocates for respondents no.2 and 3 with respondents no. 2 and 3 in person.

CORAM:

HON'BLE MR. JUSTICE ARUN MONGA

ORDER

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10.09.2025

1. Petitioner herein seeks quashing of an FIR No. 472/2022 dated 25.08.2022 for the alleged offences punishable under Sections 354, 354(B), 354(D), 323, 506, 509 and 34 of IPC as well Sections 8 and 12 of POCSO ACT, registered at Police Station Hari Nagar, along with all the proceedings arising therefrom, on the basis of a compromise between the parties.
2. Briefly speaking, the case per the petition is that the mother of the petitioner had let out the first floor of her property to Respondent Nos. 2 and 3 and their family in March 2022, thereby establishing a landlord-tenant relationship between them. During the tenancy period, disputes and misunderstandings arose between the parties, leading to the registration of



the aforesaid FIR against the petitioner. However, the respondents have since vacated the tenanted premises.

3. Learned counsel for the petitioner submits that the parties have now amicably settled the matter *vide* Settlement Deed dated 16.04.2025, with a view to preserve their cordial relations and to maintain future bonhomie and harmony. Further continuation of the proceedings would thus be a futile exercise.

4. Learned APP for the state, under instructions concur with the factum of compromise between the parties and the same has been duly verified, he informs.

5. In the aforesaid backdrop, I have heard the learned counsel for the petitioners and the respondents, as well as, perused the material available on record.

6. Complainant(mother) has joined through video conference and I have interacted with her. The complainant and her family were living as tenants in the premises of the petitioner's father. She also states that the allegations which were levelled at the relevant time arose out of a misunderstanding and in the heat of the moment, she misunderstood the touch as a sexual overture. Subsequently, the parties have ironed out their differences and amicably arrived at a settlement. They have also vacated the tenanted premises and do not live there anymore. However, during the period they stayed there, they enjoyed bonhomie with each other and are good friends and wish to maintain the cordiality in posterity. Therefore, complainant submits that she has no objection, if the FIR in question is quashed.

7. Upon hearing the parties and examining the nature of the dispute, it is borne out that the FIR was lodged out of a misunderstanding. Even on a



plain reading, and in light of the candid statements of parties, it appears doubtful whether the essential ingredients of the offences invoked under the penal provisions are satisfied. At this stage, in light thereof, I am of the view that the petition deserves to be allowed on that count as well.

8. Since the Respondent nos.2 and 3 do not wish to press charges against the petitioners and there is no incriminating material against them, coupled with the fact that the parties have amicably compromised the matter, further criminal proceedings would amount to an abuse of the process of law.

9. Be that as it may, given that the dispute has been resolved, continuing with criminal proceedings may serve no useful purpose. It would be a drain on judicial resources and abuse of the process of law, especially when dispute does not involve any public interest or interest of the society at large. Continuation of the proceedings, on the other hand, may result in hostility between the parties and defeat the very purpose of the settlement.

10. Quashing the FIRs would rather facilitate the parties in maintaining or restoring cordiality. Therefore, the proceedings deserve to be quashed in the exercise of the inherent powers of the Court. Reference may be had to the judgement rendered in ***Gian Singh v. State of Punjab &Anr.[(2012) 10 SCC 303]*** in this context

11. Accordingly, exercising the inherent powers vested in this Court under Section 528 of BNSS, it is therefore deemed appropriate to quash the FIR arising from this matrimonial dispute.

12. Consequently, the instant petition is allowed. FIR No. 472/2022 dated 25.08.2022, for the alleged offences under Sections 354, 354(B), 354(D), 323, 506, 509 and 34 of IPC as well Sections 8 and 12 of POCSO ACT, registered at Police Station Hari Nagar, along with all consequential



proceedings arising therefrom, are hereby quashed.

13. All pending application(s), if any, also stand disposed of.

ARUN MONGA, J

SEPTEMBER 10, 2025/kd