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IN THE HIGH COURT OF DELHI AT NEW DELHI
CRL.M.C. 4474/2025

VARUN RAJ @ BARUN

.....Petitioner

Through: Mr. Sonu Jha, Mr. Kshitij
Singh & Mr. Mayank
Sharma, Advs.
Petitioner in person

versus

THE NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Sunil Kumar Gautam,
APP for the State
SI Suruchi, PS- Fateh Pur
Beri
Mr. Devesh Panday, Adv.
Prosecutrix in person

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

03.09.2025

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1. The present petition is filed seeking quashing of FIR No. 417/2020 dated 27.10.2020, registered at Police Station Fatehpur Beri, for the offences under Sections 376/506 of the Indian Penal Code, 1860 ('IPC').
2. It is alleged that on 13.03.2020, the petitioner forced Respondent No.2 to drink bear on the pretext of Holi celebration, due to which, she felt dizzy and fell asleep. Allegedly, when Respondent No.2 woke up, the petitioner confessed his love and told her that he had married her by filling her *mang*. It is alleged that the petitioner clicked some photographs of Respondent No.2. It is further alleged that subsequently, after some months, the petitioner posted Respondent No.2's photo on Facebook to harass her and asked her to meet him. Allegedly, when Respondent No.2 went to meet the petitioner, he established sexual relations with her. This led to registration of the above-mentioned FIR. It is stated that the chargesheet has been filed in



the present case.

3. The learned counsel for the petitioner submits that the parties were in a consensual relationship and the matter has since been settled between the parties.

4. The present petition is filed on the ground that the matter has amicably been settled between the parties by way of a Compromise Deed dated 03.06.2025 out of their own free will, without any undue influence or duress.

5. The parties are present in person and have been duly identified by the Investigating Officer.

6. On being asked, Respondent No. 2 states that she was in consensual relationship with the petitioner. She submits that certain allegations were made on the basis of advice received at that stage. She states that she does not wish to pursue the proceedings arising out of the FIR as she has moved on in life and she has no objection if the same is quashed.

7. Offence under Section 506 of the IPC is compoundable and offence under Section 376 of the IPC is non-compoundable.

8. It is well settled that the High Court while exercising its powers under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS') (*erstwhile* Section 482 of the Code of Criminal Procedure, 1973) can quash offences which are non-compoundable on the ground that there is a compromise between the accused and the complainant. The Hon'ble Apex Court has laid down parameters and guidelines for High Court while accepting settlement and quashing the proceedings.

9. In ***Narinder Singh & Ors. v. State of Punjab & Anr. : (2014) 6 SCC 466***, the Hon'ble Apex Court has observed 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 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)

10. Similarly, in **Parbatbhai Aahir & Ors v. State of Gujarat & Anr. : (2017) 9 SCC 641**, the Hon’ble Apex Court has 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.**

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.

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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)

11. The Hon’ble Apex Court, in **Kapil Gupta: 2022 SCC Online SC 1030**, while quashing an FIR under Section 376 of the IPC, had observed as under:

“12. It can thus be seen that this Court has clearly held that though the Court should be slow in quashing the proceedings wherein heinous and serious offences are involved, the High Court is not foreclosed from examining as to whether there exists material for incorporation of such an offence or as to whether there is sufficient evidence which if proved would lead to proving the charge for the offence charged with. **The Court has also to**



take into consideration as to whether the settlement between the parties is going to result into harmony between them which may improve their mutual relationship.

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15. In both the cases, though the charge-sheets have been filed, the charges are yet to be framed and as such, the trial has not yet commenced. It is further to be noted that since Respondent 2 herself is not supporting the prosecution case, even if the criminal trial is permitted to go ahead, it will end in nothing else than an acquittal. If the request of the parties is denied, it will be amounting to only adding one more criminal case to the already overburdened criminal courts.”

(emphasis supplied)

12. The Hon’ble Apex Court in ***Pramod Suryabhan Pawar v. State of Maharashtra: AIR 2019 SCC 4010*** has held that consent involves an active understanding of the circumstances, actions, and consequences of the proposed act. By placing reliance on the judgment in the case of ***Uday v. State of Karnataka: (2003) 4 SCC 46***, the Hon’ble Apex Court observed that when the complainant’s consent to enter into sexual relations was not dependent on the promise to marry but was guided by other factors, then an offence under Section 376 of the IPC cannot be made out.

13. In the present case, it is stated that the FIR was registered after the relationship between the parties went awry. Respondent No.2 has admitted before this Court that she was in a consensual romantic relationship with the petitioner and the FIR was only lodged on advice received at that stage. This seems to be a classic case of misuse of law. While the weaponizing of criminal machinery in such a manner is deplorable, however, considering the stance of Respondent No.2 before this Court, it is unlikely that the present FIR will result in conviction. Under these circumstances, allowing the criminal trial to proceed would serve



no purpose and would amount to abuse of process of law. Furthermore, it is relevant to note that the FIR was registered way back in the year 2020 and Respondent No.2 has since gotten married to another person. Continuation of the criminal proceedings in such circumstances would only cause undue harassment to the parties.

14. Thus, in view of the fact that the complainant has herself stated that the parties were in consensual relationship and she does not wish to pursue any proceedings arising out of the present FIR, this Court is of the opinion that it is a fit case to exercise discretionary jurisdiction under Section 528 of the BNSS.

15. In view of the above, FIR No. 417/2020 and all consequential proceedings arising therefrom are quashed.

16. The present petition is allowed in the aforesaid terms.

AMIT MAHAJAN, J

SEPTEMBER 3, 2025

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