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

+ **W.P.(CRL) 2404/2025**

WASIM QURAISHI ALIES WASEEM

.....Petitioner

Through: Mr. Sunil Kumar Tomar, Ms. Shreya Yadav and Mr. Mushir Khan,
Advocates.

versus

THE STATE NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Anand V. Khatri, ASC for State with SI Kaveri, PS-Sunlight Colony.
Mr. Krishan Kant Sharm, Mr. Devashree Sharma and Ms. Tripti Sinha, Advocates for R-2.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

29.10.2025

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1. The present petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (formerly to Section 482 of the Code of Criminal Procedure, 1973²) seeks quashing of FIR No. 195/2025, registered under Sections 376/323/506 of the Indian Penal Code, 1860³ at P.S. Sunlight Colony and all consequential proceedings emanating therefrom.

2. The case of the prosecution is that the Complainant (Respondent No. 2) got acquainted with the Petitioner through Instagram about five years prior to the incident. This developed into a relationship. It is alleged that the

¹ "BNSS"

² "CrPC"

³ "IPC"



Petitioner proposed and promised marriage to the complainant and, on that pretext established sexual relations with her. When the Petitioner allegedly failed to honour his promise to marry, the complainant lodged the present FIR.

3. However, subsequent to the registration of the FIR, the parties have reconciled their differences. They solemnised their marriage on 31st May, 2025, and have placed on record a copy of their *Nikahnama*, the authenticity of which has been verified by the State. Respondent No. 2, who is present in Court, states that the physical relations between the parties prior to marriage were consensual, and she was never sexually assaulted. She submits that the misunderstanding that led to the lodging of the FIR arose from emotional distress at that time, and stands resolved in view of their marriage.

4. The petition is supported by an affidavit of Respondent No. 2 affirming the fact of marriage and her desire to continue the relationship with the applicant. She has further confirmed that her statement before this Court is voluntary and free from any coercion or undue influence.

5. The Court has considered the submissions of the parties. While the offences under Sections 323 and 506 of IPC are compoundable by the person so hurt and the person so intimidated, with the permission of the Court, notably, the offence under Sections 376 of the IPC is a serious and heinous offence. The Court is conscious that such a charges cannot ordinarily be quashed on the basis of a settlement between the parties. However, in appropriate and exceptional circumstances, Courts have exercised their inherent jurisdiction to quash criminal proceedings, where the factual matrix and the interest of justice so warranted.

6. In this regard, it is apposite to refer to the judgement of the Supreme



Court in *Kapil Gupta v. State of NCT of Delhi*,⁴ wherein the Court, while quashing an FIR and consequential proceedings where the accused had been charged with offence under Section 376 of the IPC, observed as under:

“13. 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.

14. The Court has further held that it is also relevant to consider as to what is stage of the proceedings. It has been observed that if an application is made at a belated stage wherein the evidence has been led and the matter is at the stage of arguments or judgment, the Court should be slow to exercise the power to quash the proceedings. However, if such an application is made at an initial stage before commencement of trial, the said factor will weigh with the court in exercising its power.”

7. The Court has interacted with Respondent No. 2, who, assisted by her counsel, has deposed voluntarily, fully conscious of her legal rights. She is completely aware of the nature and implications of the statements made before the Court. Her stand is neither ambiguous nor inconsistent. Throughout her interaction with the Court, she has maintained that she does not support the Prosecution’s case, that her relationship with the Petitioner was entirely consensual, there was no incident of physical assault, and that the FIR came to be lodged due to a misunderstanding on her part.

8. In view of the verified marriage between the parties, the categorical stand of Respondent No. 2 in her affidavit and in open Court affirming the consensual nature of the relationship, and her clear lack of intent to pursue

⁴ 2022 SCC OnLine SC 1030



the allegations, the continuation of the present proceedings would serve no useful purpose. 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 exercise of jurisdiction under Section 482 of the Cr.P.C. to secure the ends of justice.

9. In view of the foregoing, the present petition is allowed and FIR No. 195/2025 registered at P.S. Sunlight Colony as well as all consequential proceedings arising therefrom are hereby quashed.

10. Accordingly, the petition is disposed of along with pending application(s).

SANJEEV NARULA, J

OCTOBER 29, 2025

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