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

+ **CRL.M.C. 5258/2025 & CRL.M.A. 22733/2025**

AMIT KUMAR

.....Petitioner

Through: Ms. Pallavi Garg, Advocate
(DHCLSC) with Ms. Sanjana Sharma
Sahu, Advocate with Petitioner in
person

versus

STATE NCT OF DELHI AND ORS

.....Respondents

Through: Mr. Hemant Mehla, APP for the State
with ASI Sarita, PS Dwarka Sector 23
Mr. Aditya Sharma, Mr. Manoj
Rajpoot, Mr. Dushyant Sharma,
Advocates for R-2 with Respondent
No. 2 in person

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

05.08.2025

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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. 24/2022 dated 14th January, 2022, under Sections 354(D) and 509 of the Indian Penal Code, 1860³ at P.S. Sector 23, Dwarka, Delhi and all proceedings emanating therefrom.

2. Briefly stated, the case of the prosecution is as follows:

¹ "BNSS"

² "CrPC"

³ "IPC"



2.1. On 14th January, 2022, a complaint was filed by Ms. 'T' (the Complainant), alleging that one Amit Kumar (the Applicant), who also worked in her office, had been sexually harassing her for the past one and a half years. It is alleged that the Applicant, *inter alia*, used to eve-tease and stalk her. The Complainant further alleged that the Applicant had threatened to have her removed from her job with the help of the SC/ST Commission.

2.2. It is stated that on an earlier occasion, i.e., 10th December, 2021, the Complainant had filed a complaint against the Applicant. At that time, however, the matter was resolved by way of an apology letter from the Applicant, who was let off with a warning.

2.3. Regarding the incident on 14th January, 2022, the Complainant alleged that while she was on her way to the washroom, the Applicant approached her from behind and began abusing her. On the basis of this complaint, the impugned FIR came to be registered.

3. The parties state that they have amicably resolved the dispute and Respondent Nos. 2 to 4 have decided not to pursue the present FIR against him. Pursuant to this settlement, a Memorandum of Understanding⁴ dated 24th April, 2025, was executed between the Petitioner and Respondent Nos. 2 to 4.

4. A copy of the MoU has been placed on record and perused by the Court. As per its terms, Respondent Nos. 2 to 4 have mutually resolved all disputes and differences with the Petitioner and have agreed to voluntarily give their no objection to the quashing of the subject FIR.

5. It is noted that the cross FIR No. 130/2022 dated 4th March, 2022, registered at P.S. Sector 23 Dwarka under Sections 3(1)(r), 3(1) and 3(1)(s)



of the SC and ST (Prevention of Atrocities) Act, 1989 has been quashed by this Court in CRL.M.C. 5152/2025 titled as ***Tanvee Sharma & Ors. vs. State NCT of Delhi & Anr.***

6. In view of the foregoing, the Complainant/Respondent No. 2, who has appeared before the Court, has unequivocally stated that she does not wish to pursue the FIR proceedings. She has confirmed that her decision to settle the matter is voluntary and made without any undue influence or coercion. In light of the amicable resolution between the parties, the Petitioner seeks quashing of the subject FIR and all proceedings arising therefrom.

7. The Court has considered the submissions of the parties. While the offence under Section 354D of IPC is non-compoundable, the offence under Section 509 of IPC is compoundable by the woman who was or was intended to be insulted or whose privacy was intruded upon.

8. It is well settled that in the exercise of its inherent powers under Section 482 of CrPC (corresponding to Section 528 of 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. The Supreme Court in ***Gian Singh v. State of Punjab & Anr.***⁵ has held as follows:

“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,

⁴ “MoU”

⁵ (2012) 10 SCC 303



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.”

[Emphasis added]

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

“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.

⁶ (2014) 6 SCC 466



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. Although the offence under Section 354D of the IPC cannot be treated as strictly ‘*in personam*’, and it touches upon public concerns rather than being confined to individual grievances, 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 Nos. 2 to 4, who are present in person, have categorically expressed their unwillingness to pursue the matter further and have confirmed the settlement as voluntary and devoid of any coercion. Given this background, the continuation of 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 exercise of jurisdiction under Section 528 of BNSS (corresponding to Section 482 of CrPC) to secure the ends of justice.

12. In view of the foregoing, the present petition is allowed and FIR No. 24/2022 dated 14th January, 2022, under Sections 354(D) and 509 of IPC at P.S. Sector 23, Dwarka, Delhi and all proceedings emanating therefrom are



hereby quashed.

13. The parties shall remain bound by the terms of settlement.

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

SANJEEV NARULA, J

AUGUST 5, 2025/ab