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

+ **CRL.M.C. 5434/2025**

SIDDHANT SAHNI

.....Petitioner

Through: Mr. Tejasva Mehra, Mr. Priyanshu
Dubey, Advocates with Petitioner in
person

versus

STATE OF NCT OF DELHI AND ANR

.....Respondents

Through: Mr. Hemant Mehla, APP for the State
with Insp. Priyanka, PS Crime Branch
Sunlight Colony
SI Lokesh Kumar, PS New Friends
Colony
Ms. Ratna Aggarwal, Advocate for R-
2 with R-2 in person

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

19.08.2025

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1. The present petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (earlier Section 482 of the Code of Criminal Procedure, 1973) seeks quashing of FIR No. 206/2023 dated 27th June, 2023, registered at P.S. New Friends Colony for the offences under Sections 376, 323 and 506 of the Indian Penal Code, 1860,¹ and all the proceedings emanating therefrom.

2. The case of the Prosecution emanates from a complaint filed by Respondent No. 2, alleging that she met the Petitioner through a dating

¹ "IPC"



application in May 2021, following which they entered into a relationship and wanted to get married. The Complainant has alleged that after about six months, the Petitioner began to make excuses and eventually refused to marry her. The Complainant agreed to give him time, as she was mentally, physically, and emotionally invested in the relationship. However, when the Petitioner continued to avoid commitment, she considered ending the relationship. At that stage, the Petitioner began to blackmail her using an objectionable video recording. It is alleged that when the Complainant confronted him, the Petitioner allegedly sexually assaulted her. She further states that she became pregnant during the course of the relationship and that the Petitioner pressurised her into undergoing an abortion. This complaint culminated into the registration of the subject FIR. Subsequently, in her statement recorded under Section 161 of the Cr.P.C, the Complainant also levelled allegations of forcible unnatural sex against the Petitioner. Upon completion of investigation, the chargesheet was filed under Sections 313, 323, 376, 377 and 506 of the IPC.

3. The parties now state that they have amicably resolved all their disputes and differences. Respondent No. 2 has decided not to pursue the subject FIR. Pursuant thereto, a Memorandum of Understanding dated 1st August, 2025 executed between the Petitioners and Respondent No. 2, has been placed on record and perused by the Court. As per its terms, the parties have amicably resolved their disputes and differences.

4. The Complainant has supported the Petitioner's prayer for quashing of the FIR and has filed an affidavit stating that she has no objection to the same. In the said affidavit, she has categorically stated that her relationship with the Petitioner was consensual and that she was emotionally involved



with the Petitioner. She has further denied any incident of physical assault or abuse, as well as any coercion regarding the abortion. She has also affirmed that there are no objectionable videos or photographs in the possession of the Petitioner. Taking note of these assertions, this Court, on 11th August, 2025, passed the following order:

“1. The present petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023² (earlier Section 482 of the Code of Criminal Procedure, 1973³) seeks quashing of FIR No. 206/2023 dated 27th June, 2023, under Sections 376, 323 and 506 of the Indian Penal Code, 1860⁴, registered at P.S. New Friends Colony and all the proceedings emanating therefrom. This request is made in light of the settlement arrived at between the parties, as evidenced by Memorandum of Understanding dated 1st August, 2025.

2. The chargesheet stands filed, whereunder the Petitioner has been charge-sheeted for the offences under Sections 313/323/376/377/506 of the IPC.

3. In light of the grave and serious allegations contained in the FIR, the Court has sought clarification from the Complainant regarding the veracity of her claims and has also perused her affidavit, giving no objection to the quashing of the subject FIR. In the affidavit, the Complainant has unequivocally stated that she and the Petitioner, as two consenting adults, were involved in an emotional and physical relationship for a period of two years. She has further categorically stated that there was no incident of physical assault or abuse by the Petitioner. Additionally, she has confirmed that she was not coerced by the Petitioner into undergoing an abortion, and that there are no objectionable photographs or videos of her in the Petitioner’s possession. According to her affidavit, the FIR was registered due to certain misunderstandings.

4. It is further noted that the chargesheet invokes Section 377 of the IPC. This provision appears to have been included in light of the Complainant’s statement recorded under Section 161 of the Cr.P.C. However, while the Complainant’s Section 161 statement indicates that she was subjected to forcible unnatural sexual acts when the Petitioner was under the influence of alcohol, she has, in response to a query from the Court, stated that the act was consensual. In view of this statement, let an affidavit clarifying the Complainant’s stand

² “BNSS”

³ “Cr.P.C.”

⁴ “IPC”



regarding the allegations pertaining to Section 377 IPC, be filed within one week from today.

5. Re-notify on 19th August, 2025.”

5. In compliance with the directions issued on the previous date, an affidavit has been filed by Respondent No. 2, wherein she has categorically stated that the Petitioner did not engage in any act of unnatural sex with her. She has further stated that, on one occasion, both parties consensually explored such intimacy, but discontinued thereafter. A copy of the affidavit has been handed over across the Board, and is taken on record.

6. Respondent No. 2, who is present in Court today and has been duly identified by the Investigating Officer, confirms the statements made before this Court on 11th August, 2025, as well as those set out in the affidavit filed today. She has unequivocally expressed her intention not to pursue the present proceedings. She submits that she now wishes to move on with her life and is looking for a suitable matrimonial match. She further states that the continuation of the present proceedings, initiated due to misunderstandings, would cause her further trauma and disturb her peace of mind and emotional well-being.

7. The Court has considered the afore-noted facts. The offences under Sections 313, 376 and 377 of the IPC are non-compoundable while offences under Sections 506 and 323 of the IPC are compoundable in certain cases. Notably, the offences under Sections 376 and 377 of the IPC are serious and heinous offence. The Court is conscious that such 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.

8. In this regard, it is apposite to refer to the judgement of the Supreme Court in ***Kapil Gupta v. State of NCT of Delhi***,⁵ 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.”

9. In view of the peculiar facts of the present case, 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.

⁵ 2022 SCC OnLine SC 1030.



10. In light of the above developments, and notwithstanding the fact that the offences involved are grave and serious in nature, this Court is of the opinion that, having regard to the nature of the allegations in the FIR and the chargesheet, as well as the unequivocal stand taken by the Prosecutrix before the Court, the request for quashing merits consideration. The likelihood of the FIR culminating in a conviction appears remote, particularly in view of Respondent No. 2's clear and consistent expression of her unwillingness to pursue the matter any further. In the considered view of the Court, the continuation of the criminal proceedings would serve no useful purpose and would only result in unnecessary and prolonged litigation. On the contrary, quashing the proceedings would advance the cause of justice and bring quietus to the matter.

11. However, considering that the State Machinery was put in motion, the ends of justice will be served if the Petitioner is put to certain cost.

12. In view of the foregoing, the present petition is allowed and FIR No. 206/2023, registered at P.S. New Friends Colony and all the proceedings emanating therefrom are hereby quashed, subject to payment of a cost of INR 15,000/- by the Petitioner to the Delhi Police Welfare Fund, within a period of four weeks from today. The proof of payment of cost be submitted with the concerned IO.

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 19, 2025/ab