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

+ CRL.M.C. 5604/2025

GOVIND & ORS.

.....Petitioners

Through: Mr. C.M. Sangwan and Mr. Saksham Aggrawal, Advocates

versus

THE STATE (GOVT. OF NCT OF DELHI) & ANR.Respondents

Through: Mr. Hemant Mehla, APP for State along with SI Pinki, PS Sultanpuri

+ CRL.M.C. 5613/2025, CRL. M.A. 24066/2025

GOVIND

.....Petitioners

Through: Mr. C.M. Sangwan and Mr. Saksham Aggrawal, Advocates

versus

THE STATE (GOVT. OF NCT OF DELHI) & ANR.Respondents

Through: Mr. Hemant Mehla, APP for State along with SI Pinki, PS Sultanpuri

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

14.08.2025

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1. The present petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (erstwhile Section 482 of the Code of Criminal Procedure, 1973²) seeks quashing of the following FIRs:

(i) In CRL.M.C. 5613/2025, FIR No. 347/2018, P.S. Sultanpuri, for the

¹ "BNSS"

² "Cr.P.C."



offences under Sections 323/376 of the Indian Penal Code, 1860,³ registered at the instance of Respondent No. 2 against her husband, Govind; and

(ii) In CRL.M.C. 5604/2025, FIR No. 988/2019, P.S. Sultanpuri, for the offences under Sections 498A/406/34 of the Indian Penal Code, 1860⁴, registered by Respondent No. 2 against her husband, Govind and her in-laws.

2. Briefly stated, the case of the Prosecution against the Petitioners is that Respondent No. 2 lodged a complaint alleging that Govind had established physical relations with her over a period of approximately two years on the false pretext of marriage. This complaint led to the registration of FIR No. 347/2018 at P.S. Sultanpuri. However, shortly thereafter, the Complainant and Govind got married on 09th May, 2018 as per Hindu rites and ceremonies.

3. However, due to matrimonial discord, the relationship between the parties deteriorated, pursuant to which they started residing separately since 27th August, 2020. The parties have no child from this marriage. Several efforts for reconciliation were made but to no avail. Subsequently, Respondent No. 2 made a complaint against the Petitioners, alleging that she was subjected to cruelty by them, which later culminated into FIR No. 988/2019.

4. In both FIRs, chargesheets have been filed against the Petitioners and the matter is pending consideration of the Trial Court. Now, with the intervention of relatives and respectable persons of society, the parties have amicably settled the dispute between themselves. Pursuant thereto, they have executed a common Settlement Deed dated 14th December, 2023, whereby

³ "IPC"



Govind has agreed to pay a final settlement amount of INR 8,50,000/- to Respondent No. 2. As per the terms of the settlement, Respondent No. 2 has agreed to withdraw all proceedings pending before various Courts. Pursuant to the settlement, Petitioner No. 1 and Respondent No. 2 have obtained a decree of divorce by mutual consent through order dated 16th July, 2024 passed by the Family Court, North- West, Rohini, New Delhi.

5. Respondent No. 2, who is present before this Court and duly identified by the Investigating Officer, gives no objection to the quashing of the impugned FIRs. She confirms that her decision to settle the matter is voluntary and made without any undue influence or coercion. She further states that in terms of the Settlement Agreement, she has already received a sum of INR 2,00,000/-. Additionally, in accordance with the Agreement, the Petitioners have tendered the balance amount of INR 6,50,000/- by way of two demand drafts bearing DD Nos. 068754 (for INR 2,00,000/-) and 068751 (for INR 4,50,000/-) drawn on State Bank of India, handed over to Respondent No. 2. The same have been duly received and acknowledged by Respondent No. 2. In light of the amicable resolution between the parties, the Petitioners seek quashing of the FIRs and all proceedings arising therefrom.

6. Noting the invocation of Section 376 of the IPC, this Court specifically inquired from the Complainant regarding the veracity of the said allegations. In response, the Complainant clarified that FIR No. 347/2018, which invoked Section 376, was registered under a misunderstanding. She explained that at the time, she was under the mistaken impression that Govind had established physical relations with her under the false promise

⁴ “IPC”



of marriage. However, shortly after the registration of the FIR, the Complainant and Govind got married. She now submits that the relationship between the parties was consensual in nature, and that the allegations under Section 376 arose out of a misunderstanding. Accordingly, she confirms that she has no objection to the quashing of the said FIR.

7. The Court has considered the afore-noted facts. Notably, the offence under Sections 498A and 376 of the IPC are non-compoundable while offences under Sections 406 and 323 of the IPC are compoundable in certain cases. The Court is conscious that ordinarily the cases relating to Section 376 of IPC cannot be quashed merely 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. At this juncture, it is relevant to note that this Court, in **Ajay Kumar Paswan v. State of NCT of Delhi & Ors.**⁵ and **Kundan & Anr. v. State & Ors.**,⁶ has, while exercising jurisdiction under Section 482 of the CrPC, quashed FIRs involving allegations under Section 376 IPC, where the parties had subsequently married and arrived at a genuine settlement. In this regard, it is also apposite to refer to the judgement of the Supreme Court in **Kapil Gupta v. State of NCT of Delhi**,⁷ 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

⁵ CRL.M.C. 3203/2022.

⁶ CRL.M.C. 27/2022

⁷ 2022 SCC OnLine SC 1030.



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 above, the peculiar facts of the present case merit close and careful consideration. It is relevant to note that subsequent to the registration of FIR No. 347/2018, Govind and Respondent No. 2 had solemnised their marriage on 09th May, 2018. Considering this subsequent development, the allegation that physical relations were established under a false promise of marriage is no longer credible. Respondent No. 2 has voluntarily stated that she wishes to put a quietus to the matter, without any undue influence, coercion, or pressure. Additionally, it is not the prosecution's case that the physical relationship was non-consensual in nature or involved criminal force. Rather, the allegation rests on a purported promise to marry, which given the subsequent solemnisation of marriage between the parties appears to have been a misunderstanding that has since been resolved.

10. In the peculiar circumstances of the present case, the possibility of the case, the FIR culminating in a conviction appears remote, particularly as Respondent No. 2 has unequivocally expressed her unwillingness to pursue



the matter any further. In the considered view of the Court, allowing the prosecution to continue would serve no useful purpose and would only prolong unnecessary litigation. Quashing the proceedings, on the other hand, would advance the cause of justice and restore peace between the parties. Accordingly, this Court is of the view that the continuance of criminal proceedings is neither warranted nor expedient.

11. In view of the above, FIR No. 347/2018 as well as FIR No. 988/2019, both registered at P.S. Sultanpuri and all consequential proceedings arising therefrom are hereby quashed.

12. The petitions are allowed in the aforesaid terms.

SANJEEV NARULA, J

AUGUST 14, 2025/MK