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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 6251/2025 & CRL.M.A. 26436/2025**

SHAHBAZ KHAN & ANR.Petitioners

Through: Mohd. Zahid, Mr. Brahm
Kumar Pandey, Mr.
Haider Ali & Mr. Mohd.
Dilshad, Advs. along with
both the petitioners.

versus

STATE OF NCT OF DELHI & ANR.Respondents

Through: Mr. Sunil Kumar Gautam,
APP for the State.
SI Arvind Verma, ASI
Manvir, PS Gokalpuri.
Harish Chand Sharma &
Mr. P. B. Sharma, Advs.
for R-2 along R-2 in
person.

CORAM:
HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

% **04.09.2025**

1. The present petition is filed seeking quashing of FIR No. 281/2021 dated 09.11.2021, registered at Police Station Gokul Puri, for offences under Sections 66/67 of the Information Technology Act, 2000 (**IT Act**), including all consequential proceedings arising therefrom.
2. Charge sheet in the present case has been filed under Sections 500/506/507/120B of the IPC and Section 67 of the IT Act.
3. The FIR in the present case was registered pursuant to a complaint given by Respondent No. 2, wherein, he alleged that



on 21.09.2021, during the course of the day he had received obscene messages from certain international numbers.

4. It is alleged that the sender of the said messages had sent aforesaid obscene messages to Respondent No. 2's sister and her fiancé as a result the marriage of Respondent No. 2's sister got cancelled.

5. It is alleged that the sender of the said messages had also demanded a sum of ₹20,00,000/- from Respondent No. 2.

6. The present petition is filed on the ground that the matter has been amicably between the parties by way of Memorandum of Understandings / Settlement dated 10.12.2024 of their own free will, without any force, coercion and fraud.

7. The learned counsel for the petitioners submits that the present FIR was a counterblast to the FIR registered on a complaint given by the Petitioner No. 2 against the family of Respondent No. 2 being FIR No. 414/2022, Police Station Gokal Puri under Sections 498A/406/506/34/377/323 and Section 4 of the Dowry Prohibition Act, 1961. He submits that Petitioner No. 2 also filed a petition under the provision of the Protection of Women from Domestic Violence Act, 2005.

8. He submits that the petition for maintenance filed by Petitioner No. 2 was sent to Mediation Centre and was settled on 28.10.2024 for a total sum of ₹7,00,000/-, including FIR No. 414/2022 and present FIR. It is stated that divorce between Petitioner No. 2 and Respondent No. 2 has already been pronounced as per Muslim laws.

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



10. Respondent No. 2 is present in the Court and states that all the disputes have been settled and the Petitioner No. 2 and he has already taken divorce.

11. The learned counsel for the parties submit that another petition seeking quashing of FIR No. 414/2022, which was registered at the instance of the Petitioner No. 2, is also listed before a Coordinate Bench.

12. They submit that since the parties have settled the dispute in that FIR, they do not wish to pursue the proceedings arising out of either this FIR or the other FIR. Pursuant to the settlement, the Respondent No. 2 had to pay a total sum of ₹7,00,000/-, out of which ₹5,00,000/- has already been paid and balance amount of ₹2,00,000/- is handed over today in the Court by way of DD No. 922549 drawn on DCB Bank, Yamuna Vihar, dated 22.08.2025.

13. Offence under Section 67 of the IT Act is non-compoundable.

14. 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. In the case of **Narinder Singh & Ors. v. State of Punjab & Anr. : (2014) 6 SCC 466**, the Hon'ble Supreme Court had 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)



15. Similarly, in the case of ***Parbatbhai Aahir & Ors. v. State of Gujarat & Anr. : (2017) 9 SCC 641***, the Hon'ble Supreme Court had 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.

16.8. Criminal cases involving offences which arise from commercial, financial, mercantile, partnership or similar transactions with an essentially civil flavour may in appropriate situations fall for quashing where parties have settled the dispute.

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)

16. Keeping in view the nature of the dispute and that the parties have amicably resolved their disputes, this Court feels that no useful purpose would be served by keeping the dispute alive and continuance of the proceedings would amount to abuse of the process of Court. I am of the opinion that this is a fit case to exercise discretionary jurisdiction under Section 528 of the BNSS.



17. In view of the above, FIR No.281/2021 and all consequential proceedings arising therefrom are quashed.

18. The present petition is allowed in the aforesaid terms. Pending application(s) also stand disposed of.

AMIT MAHAJAN, J

SEPTEMBER 4, 2025

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