



\$~10

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

+ **CRL.M.C. 6358/2025 & CRL.M.A. 26850/2025**

BALWAN SINGH

.....Petitioner

Through: Mr. Naresh Kumar Bansal
& Mr. Pravendra Kumar
Tomar, Advs.

versus

STATE GOVT. OF NCT OF DELHI AND ANR.

.....Respondents

Through: Mr. Sunil Kumar Gautam,
APP for the State.
SI Kusum, PS KNK Marg.
Mr. Dharam Pal Singh,
Adv. for complainant
along with complainant.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

% **29.10.2025**

1. The present petition is filed seeking quashing of FIR No. 184/2025 dated 10.04.2025 registered at Police Station K.N. Katju Marg for the offences under Sections 115(2)/351(3)/64(2)(f) of the Bharatiya Nyaya Sanhita, 2023.
2. Briefly stated, the FIR was registered on a complaint given by Respondent No. 2. It is alleged that on 10.04.2025, the petitioner, who is related to Respondent No. 2, came to her house and forcefully established sexual relations with her without her consent.
3. The present petition is filed on the ground that the parties have amicably settled all their disputes by way of a Memorandum of Understanding dated 16.04.2025.
4. Respondent No. 2/complainant is present in person in the

CRL.M.C. 6358/2025

Page 1 of 4



Court and states that even though the offence was committed by the petitioner, however, since she is related to the petitioner, she does not wish to pursue any proceedings arising out of the present FIR.

5. The learned Additional Public Prosecutor for the State opposes the quashing of the FIR, and submits that the alleged offence is serious in nature and ought not to be quashed only because the victim has settled the dispute with the accused and wishes to put a quietus to the matter.

6. 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 Apex 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)

7. It is well settled that the offence under Section 376 of the IPC, is heinous and involves mental depravity. The said offence, by its very nature, is an assault to the dignity and autonomy of a woman. For this reason, such offences, in the true sense, cannot be regarded as offences *in personam* and the same constitutes a crime against the society at large. Offences of such nature cannot



be extinguished only at the convenience of the parties or because the victim, at a subsequent stage, decides to put the dispute to rest.

8. This Court cannot turn oblivious to the nature of the offence and the gravity of the allegations made against the petitioner. Any such compromise subsequent to the incident, does not *ipso facto* efface the gravity of the offence or wipe out the seriousness of the allegations. In such circumstances, quashing the FIR only on the ground that Respondent No. 2 is related to the petitioner and does not wish to pursue the matter would be akin to trivialising the seriousness of the offence.

9. The present petition is accordingly dismissed. Pending application also stand disposed of.

10. Considering the age of the prosecutrix, the learned Trial Court is directed to expedite the recording of evidence.

AMIT MAHAJAN, J

OCTOBER 29, 2025

“SK”