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

+ **CRL.M.C. 6845/2025**

AMIR KHAN

.....Petitioner

Through: Mr. Sparsh Chaudhary and
Mr. Naman Raj Singh, Advs. with the petitioners
in person

versus

STATE NCT OF DELHI ANR

.....Respondents

Through: Mr. Raghuinder Verma, APP for State
with Mr. Aditya Vikram Singh, Adv.

W/SI Shakuntala

Mr. Vishal Rawat and Ms. Rashi Agrawal, Advs.
for R-2.

Respondent no. 2 in person along with her mother.

CORAM:

HON'BLE MR. JUSTICE AJAY DIGPAUL

ORDER

30.10.2025

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1. This is a petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (erstwhile Section 482 of the Code of Criminal Procedure, 1973) seeking quashing of FIR no. 251/2024 registered at Police Station – Jamia Nagar under Sections 376/313/506 of the Indian Penal Code, 1860 (hereinafter “IPC”) and Section 6 of the Protection of Children from Sexual Offences Act, 2012 (hereinafter “POCSO Act”) and consequential proceedings emanating therefrom.

2. The petitioner, who is the victim's elder paternal uncle's son, is alleged to have began sexually assaulting and raping the victim since she



was of age 12. She was impregnated two years later and forced to undergo abortions.

3. The complainant disclosed the history of abuse to her father in December 2023. Following this disclosure, the families arranged for the couple's Nikah on 22.12.2023, making the victim his second wife. The victim was allegedly thrown out of the marital home within 10 days and subsequently received a divorce notice by post on 13.07.2024. Alleging the marriage was a deceptive means for the accused to avoid criminal charges, the complainant pursued a formal complaint, which was registered as the subject FIR.

4. Thereafter, a chargesheet has also been filed in the matter.

5. It has been submitted that the matter has been amicably settled between the respondent no.2/complainant and the petitioner. The Settlement Deed dated 15.09.2025 is already on record. As per the terms of the Settlement, the petitioner has promised to take care of his wife (respondent no. 2) with utmost humility and shall not subject her to any sort of cruelty.

6. It is submitted that the petitioner and the respondent no. 2 are living together, happily and harmoniously.

7. On a query by this Court to the victim/ respondent no. 2, she states that she is happy with her present marriage and wishes to put the past behind her in the pursuit of a peaceful and secure future. Learned counsel appearing on her behalf also submits that the victim's mother, who appears in person, has no objection to the present quashing.

8. The parties are present in the Court in person and have been identified by their counsel and Investigating Officer concerned. The parties have endorsed the amicable settlement and accepted the terms thereof voluntarily.



9. The Hon'ble Supreme Court in ***Gian Singh v. State of Punjab (2012) 10 SCC 303*** 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, 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 exercise in futility.”

[Emphasis supplied]

10. Further, in ***Narinder Singh v. State of Punjab (2014) 6 SCC 466***, the Hon'ble 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.

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]

11. Normally, this Court approaches matters wherein heinous offences are alleged with utmost caution. However, in view of the above facts that the parties have amicably resolved their differences out of their own free will and without any coercion, and that respondent no. 2 wishes to put her past behind and envisions a future with the petitioner, it would be in the interest of justice to quash the subject FIR and the proceedings emanating therefrom.

12. Accordingly, FIR No.251/2024 registered at Police Station – Jamia Nagar under Sections 376/313/506 of the IPC and Section 6 of the POCSO and all consequential proceedings emanating therefrom, are quashed *qua* the petitioner.



13. The Investigating Officer is directed to regularly monitor the petitioner and respondent no. 2's life as a married couple for a period of six months from today.

14. The petition stands disposed of along with the pending applications.

AJAY DIGPAUL, J

OCTOBER 30, 2025

AS/av