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

+ CRL.M.C. 7277/2025, CRL.M.A. 30548/2025

SRAJAN GUPTA

.....Petitioner

Through: Mr. B. Badrinath and Mr. Dhruv
Bhardwaj, Advocates with Petitioner
in person (through VC).

versus

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

Through: Mr. Hemant Mehla, APP for State
with SI Ravinder Singh and SI
Pradeep Kumar, PS-KM Pur.
Mr. Tushar Mahajan, Mr. Bhaavan
Mahajan and Mr. Tanmay Surana,
Advocates for R-2 with R-2 in person
(through VC).

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

14.10.2025

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1. The present petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (corresponding to Section 482 of the Code of Criminal Procedure, 1973²) seeks quashing of FIR No. 281/2017 dated 5th September, 2017, registered under Sections 354D, 506 and 509 of the Indian Penal Code, 1860³ at P.S. K.M. Pur, Delhi and all consequential proceedings emanating therefrom.

¹ "BNSS"

² "CrPC"



2. Briefly stated, the case of the prosecution against the Petitioner is as follows:

2.1. The complainant, then an intern at VMMC and Safdarjung Hospital, New Delhi, alleged that the Petitioner, her batchmate and co-intern, stalked, harassed, and threatened her over a period of nearly three months. Initially on cordial terms, the Petitioner allegedly began making unwelcome advances and sought physical favours, and upon her refusal, slapped her in front of the Safdarjung Emergency Ward and threatened to throw acid on her face. It is further alleged that he continued to stalk and harass her, threatening to defame her on campus and prevent others from associating with her, while also sending objectionable messages, misusing her photographs, and repeatedly contacting her through multiple numbers despite being blocked.

2.2. The complainant also alleges that about a month prior to the registration of the FIR, the Petitioner messaged her from an unknown number offering drugs, and on two separate occasions attempted to enter her residence, once by climbing the balcony and later through the main gate. On the latter occasion, he allegedly loitered outside her house for nearly two hours, using abusive language and causing her severe mental distress. Based on these allegations, the present FIR was registered under Sections 354D, 506, and 509 of the IPC.

3. The parties state that, with the intervention of family elders and keeping in mind their future and welfare, Respondent No. 2 has amicably resolved the matter with the Petitioner and has decided not to pursue the FIR. Pursuant to this settlement, a Memorandum of Understanding dated

³ “IPC”



19th August, 2025 was executed between the Petitioner and Respondent No.2.

4. A copy of the MoU has been placed on record and perused by the Court. As per its terms, the parties have mutually resolved all disputes and differences which had arisen due to certain misunderstandings. Respondent No. 2 has voluntarily agreed to give her no objection to the quashing of the FIR.

5. The Complainant/Respondent No. 2 appears before the Court *via* video conferencing and is identified by the Investigating Officer. She states that she is acquainted with the Petitioner, and that the FIR was registered due to certain misunderstandings between them. She confirms that she has since moved on in life, is now married and has a child, and does not wish to pursue the present case any further. She affirms that her decision to settle the matter is voluntary and made without any coercion, and that she accepts the explanation offered by the Petitioner. She submits that she wishes to bring the matter to a quietus and has no objection to the FIR being quashed.

6. The Court has considered the afore-noted facts and submissions. While the offence under Section 354A of IPC is non-compoundable, Sections 506 and 509 of IPC are compoundable in certain cases.

7. It is well settled that in the exercise of its inherent powers under Section 482 CrPC (corresponding to Section 528 BNSS), the Court may, in appropriate cases, quash proceedings in respect of non-compoundable offences if the parties have reached a genuine settlement and no overarching public interest is adversely affected. The Supreme Court in ***Gian Singh v.***



State of Punjab & Anr.⁴ 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 an exercise in futility.”

[Emphasis added]

8. Further, in ***Narinder Singh & Ors. v. State of Punjab & Anr.***,⁵ the 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

⁴ (2012) 10 SCC 303

⁵ (2014) 6 SCC 466



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]

9. Although the offence under Section 354A of the IPC cannot be treated as strictly ‘*in personam*’, and it touches upon public concerns rather than being confined to individual grievances, the Court must also account for the practical realities of securing a conviction in the present case. The Supreme Court has consistently held that in cases where the complainant has entered into a voluntary and *bona fide* settlement, and is no longer inclined to support the prosecution, the prospect of securing a conviction becomes exceedingly remote. In such circumstances, continuing the prosecution may not only prove futile, but would also serve no worthwhile public interest.

10. The Complainant in the present case has categorically expressed her unwillingness to pursue the matter further and has confirmed the settlement as voluntary and devoid of any coercion. Given this background, the continuation of criminal proceedings would amount to an empty formality, adding to the burden of the justice system and consuming public resources unnecessarily.



11. Having regard to the totality of circumstances, and in view of the legal principles laid down by the Supreme Court, this Court finds the present case to be an appropriate one for exercise of jurisdiction under Section 528 of BNSS (corresponding to Section 482 of the CrPC) to secure the ends of justice.

12. In view of the foregoing, the present petition is allowed and FIR No. 281/2017 dated 5th September, 2017, registered under Sections 354D, 506 and 509 of IPC at P.S. K.M. Pur, Delhi and all consequential proceedings emanating therefrom are hereby quashed.

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

OCTOBER 14, 2025

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