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

+ **CRL.M.C. 8305/2025 & CRL.M.A. 34635/2025**

ROCKY MASSEY

.....Petitioner

Through: Mr. Mihir Samson, Mr. Asawari
Sodhi, Advocates with Petitioner in
person.

versus

STATE (NCT OF DELHI) & ANR.

.....Respondents

Through: Mr. Hemant Mehla, APP for the State
Mr. Abhay Shukla, Advocate for R-2
with R-2 in person.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

21.11.2025

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1. This 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. 258/2025 dated 17th September, 2025,³ registered under Section 69 of the Bharatiya Nyaya Sanhita, 2023⁴ at P.S. Kishan Gargh, South West (Delhi) and all consequential proceedings emanating therefrom.

2. The present FIR was registered on the complaint of Respondent No. 2/Complainant who alleged that she came into contact with the Petitioner,

¹ "BNSS"

² "CrPC"

³ "impugned FIR"

⁴ "BNS"



Rocky Massey, through social media, and that they developed a relationship over time. It is alleged that the Petitioner repeatedly assured her that he intended to marry her, and on the strength of this assurance, they entered into a physical relationship beginning June 2024. The accused reiterated his commitment to marry her in September 2024 and that, acting on this assurance, she continued the relationship and also extended financial support to him. The Complainant alleges that in August 2025, the Petitioner resiled from his promise, began avoiding communication, and eventually blocked her, leading her to lodge the present complaint. On the basis of these allegations, the impugned FIR came to be registered.

3. The parties have amicably resolved their disputes of their own volition, without any coercion or pressure. Respondent No. 2 has filed a No Objection Certificate⁵ dated 18th November, 2025, expressly stating that she has no objection to the quashing of the FIR. The NOC further records that the parties have reconciled and solemnised their marriage on 12th November, 2025. A copy of the marriage certificate has been placed on record.

4. The Complainant is present in Court and, having been duly identified by the Investigating Officer, states that the impugned FIR was lodged in the spur of the moment and arose out of a misunderstanding prevailing at that time. She affirms that the parties have since reconciled and married, and that she does not wish to pursue the impugned FIR any further. She also confirms that her decision is voluntary and uninfluenced by any pressure.

5. The Court has considered the submissions of the parties. Notably, Section 69 of BNS is non-compoundable. However, it is well settled that in

⁵ "NOC"



the exercise of its inherent powers under Section 482 CrPC (now 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.***⁶ 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]

6. Further, in ***Narinder Singh & Ors. v. State of Punjab & Anr.***,⁷ 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

⁶ (2012) 10 SCC 303

⁷ (2014) 6 SCC 466



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. Although the offence under Section 69 of BNS 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.



8. In the present case, the parties have reconciled, solemnised their marriage, and are now living together. The Complainant has clearly stated that the impugned FIR was lodged in the spur of the moment and that she no longer wishes to pursue the allegations. In such circumstances, the possibility of a conviction is negligible, and continuing the proceedings would serve no useful purposes. Accordingly, this Court finds it appropriate to exercise its jurisdiction under Section 528 BNSS.

9. In view of the foregoing, the present petition is allowed and the impugned FIR No. 258/2025 registered at P.S. Kishan Gargh, South West (Delhi), as well as all consequential proceedings arising therefrom are hereby quashed.

10. The parties shall remain bound by the terms of settlement.

11. Accordingly, the petition is disposed of along with pending application(s).

SANJEEV NARULA, J

NOVEMBER 21, 2025/ab