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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 8425/2025 & CRL.M.A. 35177/2025**
HARPAL @ SUNNYPetitioner

Through: Mr. Ajit Rajput and Mr. Ajeet Kumar,
Advocates with Petitioner (in-
Person).

versus

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

Through: Mr. Satinder Singh Bawa, APP.
Mr. Gopi Chand, Advocate for R-2
with R-2 (in-Person).

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER
28.11.2025

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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. 85/2018, registered at P.S. R.K Puram for the offences under Section 376 of the Indian Penal Code, 1860³ and Section 4 of the Protection of Children from Sexual Offence Act, 2012⁴ and all consequential proceedings emanating therefrom.
2. The prosecution case, in brief, emanates from a complaint lodged by Respondent No. 2, on 14th March, 2018 when she was aged 21 years,

¹ "BNSS"

² "CrPC"

³ "IPC"

⁴ "POCSO"



alleging that she became acquainted with the Petitioner in 2011 and that they began communicating regularly. She alleged that in 2012, the Petitioner took her to his residence and forcibly established physical relations with her, thereafter continued to have sexual relations on the pretext and promise of marriage. Later the Petitioner declined to marry her. On these allegations, she lodged a complaint, leading to the registration of the impugned FIR. On completion of investigation, including recording of her statement under Section 183 BNSS, verification of age, medical examination, etc., a chargesheet was filed for the aforesaid offences. By order dated 7th July, 2025, charges were framed against the Petitioner under Section 5(1) of the POCSO Act read with Section 376(2)(i) IPC and trial commenced.

3. The parties now seek quashing of the impugned FIR on the strength of an amicable settlement. Counsel for the Petitioner submits that the dispute between the Petitioner and Respondent No. 2 has been fully resolved, and that Respondent No. 2 has unequivocally conveyed her desire not to pursue the criminal proceedings any further. It is urged that, in view of this voluntary settlement and the subsisting cordiality between the parties, continuation of the criminal case would serve no useful purpose, other than to prolong hardship for both sides. Counsel contends that the substratum of the dispute is essentially personal in nature, arising out of a failed relationship, and that the continuance of prosecution in such circumstances would amount to an abuse of the process of law. The impugned FIR and all proceedings arising therefrom are liable to be quashed in exercise of the inherent jurisdiction of this Court under Section 528 BNSS, so as to secure the ends of justice and bring quietus to the matter.

4. Mr. Satinder Singh Bawa, APP for the State, opposes the petition. He



points out that Respondent No. 2 has already entered the witness box before the Trial Court and has supported the prosecution version. Having regard to the nature and gravity of the allegations, particularly the offences under Section 376 IPC and Section 4 of the POCSO Act, Mr. Bawa argues that a private compromise between the parties at this stage has no legal consequence and cannot eclipse the societal interest involved in prosecuting such offences.

5. In rejoinder, counsel for the Petitioner contends that the Petitioner has been falsely implicated and that the edifice of the prosecution case rests exclusively on the testimony of the victim. It is urged that, although the victim was medically examined during investigation, no scientific or corroborative material has emerged to support the allegation of forcible sexual intercourse. Reliance is placed on the victim's statement under Section 164 Cr.P.C., wherein she expressly described herself as being in love and in a relationship with the Petitioner for about five years, without alleging that physical relations were ever forced upon her. In these circumstances, it is argued that the FIR is founded on incorrect and exaggerated allegations, and that continuance of the proceedings would amount to an abuse of the process of law, warranting their quashing.

6. Respondent No. 2, who appears in person and is duly identified by the Investigating Officer, states that she does not wish to pursue the impugned proceedings. She submits that the FIR was lodged due to misunderstanding and in a fit of anger, and that the allegations in the FIR were exaggerated. She further states that the Petitioner never had any forcible physical relationship with her. She submits that she is now married to another person and wishes to move on with her life; therefore, she does not want the



proceedings to continue. She has also filed an affidavit to this effect, a copy whereof was handed over in Court on 26th November, 2025, and is taken on record.

7. The Court has considered the submissions advanced by both sides and the material placed on record. The complainant has already deposed before the Trial Court and, in her examination-in-chief, stated in substance that the Petitioner established physical relations with her on the pretext of marriage. Before this Court, however, she takes a materially different position. In her affidavit, as well as in her oral interaction with the Court, she now states that no physical relationship was ever established between her and the Petitioner, that the complaint came to be lodged in a state of anger and misunderstanding when the Petitioner declined to marry her, and that she no longer wishes that criminal proceedings should continue against him.

8. There is, therefore, an apparent and substantive variance between the version deposed by the complainant on oath before the Trial Court and the stand she now presses before this Court in support of the quashing petition. At this stage, when the complainant has already deposed, it would be neither proper nor permissible, in a petition under Section 528 BNSS, to embark upon an enquiry into which of the two versions is closer to the truth. That exercise necessarily involves an appreciation of evidence, assessment of credibility, and resolution of contradictions, all of which fall squarely within the domain of the Trial Court.

9. Having regard to the grave nature of the offences alleged, including Section 376 IPC and provisions of the POCSO Act, this Court cannot treat the settlement, or the complainant's present affidavit, as sufficient basis to terminate the proceedings at this stage. Doing so would, in effect, require



this Court conduct a mini-trial on disputed factual issues, which is impermissible in the present jurisdiction.

10. At this stage, counsel for the Petitioner submits that he shall file an application for recall of the complainant as a witness before the Trial Court so that she may have an opportunity to clarify or explain her earlier testimony. If such an application is filed, it shall be open to the Trial Court to consider it on its own merits, in accordance with law, bearing in mind the stage of the proceedings, the nature of the proposed clarification, and the settled parameters governing recall of witnesses. This Court expresses no opinion on the maintainability of such an application.

11. Thus, without delving into the merits of the matter, the present petition along with the pending application stands disposed of.

12. It is clarified that any observations made herein are solely for the purposes of adjudicating the present petition and shall not be treated as an expression of opinion on the merits of the case.

SANJEEV NARULA, J

NOVEMBER 28, 2025

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