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

+ **CRL.M.C. 3702/2025**

DEEPAK CHAUHAN & ORS.

.....Petitioners

Through: Mr. Rohit Kumar, Advocate with
Petitioners in person

versus

**THE STATE (N.C.T. OF DELHI AND OTHERS) THROUGH SHO
& ANR.**

.....Respondents

Through: Mr. Hemant Mehla, APP for the State
with SI Vineesha, PS Sarojini Nagar
Mr. Rupender Singh, Ms. Swati,
Advocates for R-2 with R-2 in person

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

09.09.2025

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1. The present petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (earlier Section 482 of the Code of Criminal Procedure, 1973²) seeks quashing of FIR No. 465/2021 under Sections 498A/406//34 of the Indian Penal Code, 1860³, registered at P.S. Sarojini Nagar and all proceedings emanating therefrom. During investigation, the police added Sections 354/354B/506/34 IPC and filed a charge-sheet accordingly.

2. Petitioner No. 1 is the husband of Respondent No. 2. Petitioners No. 2 to 7 are the in-laws of Respondent No. 2. The marriage between Petitioner

¹ "BNSS"

² "Cr.P.C."



No. 1 and Respondent No. 2 was solemnized on 30th November, 2020, as per Hindu rites and ceremonies. Parties have no child from the said marriage. Owing to matrimonial discord, the parties separated. A complaint by Respondent No. 2 led to the FIR and, after investigation, to the charge-sheet under the aforesaid provisions.

3. The quashing petition rests on a settlement between the parties. Indeed, in furtherance of the consents, parties have obtained a divorce by mutual consent and the settlement terms stand implemented.

4. Ordinarily, this Court, consistent with settled precedent, does entertain quashing of FIRs confined to Sections 498A/406 IPC where the parties have genuinely resolved their matrimonial disputes. Here, however, the State opposes quashing on the ground that the FIR contains grave and specific allegations of sexual assault by the father-in-law and brother-in-law, in addition to matrimonial-cruelty/dowry allegations.

5. The Court has carefully interacted with the complainant. She affirmed that the sexual-assault allegations in the FIR are correct, but expressed a desire to “move on” and not pursue the case in view of the settlement and the divorce decree.

6. The contours of the Court’s inherent jurisdiction are well settled. Power under Section 482 Cr.P.C. (now Section 528 BNSS) is to be exercised sparingly, *inter alia*, where the allegations, even if taken at face value, do not disclose any offence; are absurd or inherently improbable; or where continuation of proceedings would amount to abuse of process.⁴ At the same time, the Supreme Court has repeatedly cautioned that heinous or

³ “IPC”

⁴ State of Haryana v. Bhajan Lal, 1992 Supp (1) SCC 335.



serious offences, especially those implicating sexual assault or offences with societal impact, are not ordinarily quashed on settlement, as these are offences against society at large and not merely private disputes.⁵

7. In rape/sexual-offence cases, the Court has been categorical that compromise or marriage/settlement cannot be a passport out of criminal liability.⁶

8. Offences under Sections 498A and 406 IPC, being, in essence, matrimonial/dowry-property disputes, have often been quashed where the Court is satisfied that the settlement is voluntary, the dispute is genuinely private, and the chance of conviction is remote. But the presence of Section 354/354B IPC with specific allegations of sexual assault fundamentally alters the analysis. The FIR contains specific accusations that the father-in-law and brother-in-law sexually assaulted the complainant. The Complainant has affirmed the truth of those accusations during her interaction with this Court. At the quashing stage, the Court does not weigh credibility; it asks whether, assuming the truth of the allegations, the ingredients of the offences are disclosed. On the face of the FIR and the charge-sheet, they are.

9. The Complainant's desire to disengage, while respected, cannot by itself eclipse the public interest in prosecuting grave sexual-offence allegations.

10. In view of the gravity and nature of the sexual-assault allegations; the jurisprudence relating to quashing of FIR relating to serious, non-compoundable offences on settlement; and the Complainant's affirmation that the allegations are true, this Court is not inclined to exercise its inherent

⁵ Ramji Lal Bairwa v. State of Rajasthan, (2025) 5 SCC 117.

⁶ Shimbhu v. State of Haryana, (2014) 13 SCC 318; State of M.P. v. Madanlal, (2015) 7 SCC 681.



jurisdiction to quash the FIR or the proceedings.

11. Accordingly, the petition is dismissed.

12. It is, however, clarified that the observations made herein are confined solely to the adjudication of the present petition, and shall not influence the merits of the case before the Trial Court. The Trial Court shall proceed independently and uninfluenced by these observations. The Trial Court shall also ensure that the Complainant's statement is recorded in a manner that ensures her safety, dignity, and comfort.

13. With the above directions, the present petition is disposed of, along with pending applications.

SANJEEV NARULA, J

SEPTEMBER 9, 2025/ab