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

+ **W.P.(CRL) 57/2026**

RISHABH SHARMA

.....Petitioner

Through: **Mr. Manoj Kumar, Advocate.**

versus

STATE GOVT OF NCT OF DELHI AND ANRRespondents

Through: **Ms. Rupali Bandhopadhyaya, ASC
with Mr. Abhijeet Kumar, Ms.
Amisha Gupta, Advocates.
SI Rashmi, P.S. Janakpuri.**

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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07.02.2026

1. By way of the present petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ["BNSS"] (corresponding to Section 482 of the Code of Criminal Procedure, 1973 ["CrPC"]), the petitioner seeks quashing of FIR No. 397/2025 dated 09.12.2025, registered under Sections 64(2) (corresponding to Section 376 of the Indian Penal Code, 1860 ["IPC"]) and 351(2) (corresponding to Section 506 of the IPC) of the Bharatiya Nyaya Sanhita, 2023 ["BNS"] at Police Station Janakpuri, District West, New Delhi, on the ground of settlement between the parties.

2. The principal allegations in the FIR, registered at the instance of respondent No. 2, are that the petitioner and respondent No. 2 were introduced, through their families, for the purpose of marriage. However,



after establishing a physical relationship on the basis of such an understanding, the petitioner declined to marry respondent No. 2.

3. Quashing of the FIR is now sought on the ground that the parties have resolved their differences, leading to the marriage between the petitioner and respondent No. 2 having taken place on 23.12.2025. A marriage certificate dated 24.12.2025, issued by the office of the Sub-Registrar, Kanpur Nagar Zone-1, certifying the marriage on 23.12.2025, has been placed on record and verified by the Investigating Officer.

4. Respondent No. 2 has also filed an affidavit dated 05.01.2026, confirming her marriage to the petitioner and stating that she has no grievance against him. She has specifically affirmed the voluntary nature of the marriage and accorded her no objection to quashing of the impugned FIR.

5. The petitioner and respondent No. 2 were present before the Court on 02.02.2026, when the following order was passed:

“4. The petitioner and respondent No. 2 are present in person, and are identified by their counsel as well as the Investigating Officer. The parties and their counsel also confirm that the settlement has been entered into of their own free will and volition, and without any pressure or coercion on the part of any party.

5. As the parties have appeared today, the personal presence of the petitioner and respondent No. 2 is dispensed with for the present.”

6. I have heard Mr. Manoj Kumar, learned counsel for the petitioner, and Ms. Rupali Bandhopadhyaya, learned Additional Standing Counsel for the State, on the question of whether an FIR can be quashed in these circumstances.

7. While the judgments of the Supreme Court *inter alia* in *Gian Singh*



*v. State of Punjab and Anr.*¹ and *Narinder Singh and Ors. v. State of Punjab and Anr.*², make it clear that allegations of a heinous nature, including rape, are not ordinarily amenable to quashing, some exceptions do appear to have been carved out.

8. The Supreme Court, in *Kapil Gupta v. State (NCT of Delhi)*³ and *Madhukar v. State of Maharashtra*⁴, quashed FIRs *inter alia* under Section 376 of the IPC. While neither of these cases involved a marriage between the prosecutrix and the accused, the observations of the Court make it clear that there is room for the exercise of discretion. The following observations in *Kapil Gupta* are relevant for this purpose:

“11. No doubt that the learned ASG is right in relying on various judgments of this Court which reiterate the legal position that in heinous and serious offences like murder or rape, the Court should not quash the proceedings. It will be relevant to refer to paras 29.5 to 29.7 of the judgment of this Court in Narinder Singh v. State of Punjab, which read thus: (SCC pp. 483-84)

“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.

29.6. Offences under Section 307IPC would fall in the category of heinous and serious offences and therefore are to be generally treated as crime against the society and not against the individual alone. However, the High Court would not rest its decision merely because there is a mention of Section 307IPC in the FIR or the charge is framed under this provision. It would be open to the High Court to examine as to whether incorporation of Section 307IPC is there for the sake of it or the prosecution has collected sufficient evidence, which if proved, would lead to proving the charge under Section 307IPC. For this purpose, it would be open to the High Court to go by the nature of injury sustained, whether such injury is inflicted on the vital/delicate parts of the body, nature of

¹ (2012) 10 SCC 303.

² (2014) 6 SCC 466.

³ (2022) 15 SCC 44 [hereinafter, “*Kapil Gupta*”].

⁴ 2025 SCC OnLine SC 1415.



weapons used, etc. Medical report in respect of injuries suffered by the victim can generally be the guiding factor. On the basis of this prima facie analysis, the High Court can examine as to whether there is a strong possibility of conviction or the chances of conviction are remote and bleak. In the former case it can refuse to accept the settlement and quash the criminal proceedings whereas in the latter case it would be permissible for the High Court to accept the plea compounding the offence based on complete settlement between the parties. At this stage, the Court can also be swayed by the fact that the settlement between the parties is going to result in harmony between them which may improve their future relationship.

29.7. While deciding whether to exercise its power under Section 482 of the Code or not, timings of settlement play a crucial role. Those cases where the settlement is arrived at immediately after the alleged commission of offence and the matter is still under investigation, the High Court may be liberal in accepting the settlement to quash the criminal proceedings/investigation. It is because of the reason that at this stage the investigation is still on and even the charge-sheet has not been filed. Likewise, those cases where the charge is framed but the evidence is yet to start or the evidence is still at infancy stage, the High Court can show benevolence in exercising its powers favourably, but after prima facie assessment of the circumstances/material mentioned above. On the other hand, where the prosecution evidence is almost complete or after the conclusion of the evidence the matter is at the stage of argument, normally the High Court should refrain from exercising its power under Section 482 of the Code, as in such cases the trial court would be in a position to decide the case finally on merits and to come to a conclusion as to whether the offence under Section 307IPC is committed or not. Similarly, in those cases where the conviction is already recorded by the trial court and the matter is at the appellate stage before the High Court, mere compromise between the parties would not be a ground to accept the same resulting in acquittal of the offender who has already been convicted by the trial court. Here charge is proved under Section 307IPC and conviction is already recorded of a heinous crime and, therefore, there is no question of sparing a convict found guilty of such a crime.”

12. It can thus be seen that this Court has clearly held that though the Court should be slow in quashing the proceedings wherein heinous and serious offences are involved, the High Court is not foreclosed from examining as to whether there exists material for incorporation of such an offence or as to whether there is sufficient evidence which if



proved would lead to proving the charge for the offence charged with. The Court has also to take into consideration as to whether the settlement between the parties is going to result into harmony between them which may improve their mutual relationship.

13. The Court has further held that it is also relevant to consider as to what is the stage of the proceedings. It has been observed that if an application is made at a belated stage wherein the evidence has been led and the matter is at the stage of arguments or judgment, the Court should be slow to exercise the power to quash the proceedings. However, if such an application is made at an initial stage before commencement of trial, the said factor will weigh with the court in exercising its power.”

9. In both these cases, there were cross FIRs between the parties, and the Court exercised its discretion to quash the proceedings.

10. In *Jatin Agarwal v. State of Telangana and Anr.*⁵ also, the accused and the prosecutrix were introduced through a matrimonial app, and the FIR was lodged upon refusal of the accused to solemnise the marriage, after having established a physical relationship on such a promise. The High Court was approached after the parties had married each other, but dismissed the petition. The Supreme Court exercised its power under Article 142 of the Constitution to quash the FIR, having satisfied itself that the prosecutrix had married the accused voluntarily, and that she did not wish to press the FIR.

11. Close to the facts of the present case is a judgment of a coordinate Bench of this Court in *Amit Plathia v. State (NCT of Delhi)*⁶, wherein also the FIR had been registered under Section 376 of the IPC. The prosecutrix alleged that a sexual relationship was established between her and the accused upon a promise of marriage. The FIR was lodged upon a

⁵ 2022 SCC OnLine SC 1969 [hereinafter, “*Jatin Agarwal*”].

⁶ 2024 SCC OnLine Del 9158 [hereinafter, “*Amit Plathia*”].



refusal of the accused to solemnise the marriage. This Court, however, referring to the judgments of the Supreme Court, including *Kapil Gupta* and *Jatin Agarwal*, as well as several earlier authorities of this Court⁷, held as follows:

“9. What emerges from the discussion undertaken above is that while as a matter of practice, serious and heinous offences ought not to be quashed by exercise of powers under Section 482 Cr. P.C., as it can have detrimental impact upon society, however, at the same time, the Court is not completely divested of the power to quash such proceedings. In appropriate cases, upon a consideration of the facts including the evidence available, the chances of conviction, the timing of the settlement/marriage as well as its actual effect, the Court can exercise its power under Section 482 to quash such proceedings, in the interest of justice and to put a quietus to the entire incident. However, at the sake of repetition, it is clarified that there is no blanket rule that such quashing should or should not take place. While quashing of serious and heinous offence like rape solely based upon settlement/marriage may not always be warranted, it can be done in cases where the peculiar facts warrant the same.

10. In the present case, the FIR was lodged when respondent No. 2 felt that though she had consented for physical relations, the petitioner may not keep his promise to marry her. Admittedly, during the pendency of the proceedings under the said FIR, the petitioner and respondent No. 2 have married each other on 04.10.2023 and the said fact has been duly verified, as evidenced in the status report filed by learned APP for the State.

The petition is also accompanied by no objection certificate of respondent No. 2 wherein she has stated that consensual physical relations were established between the petitioner and respondent No. 2 and later, marriage between them has been solemnised.

Petitioner, who is present in Court, has been identified by his counsel and the I.O. Respondent No. 2, who is also present in Court and identified by I.O., stated that she is leading a happy married life with petitioner and joins in the prayer for quashing of the FIR.

11. In view of the aforesaid discussion, it is clear that the relations between the parties were consensual and no evidence has been placed on record which would show that the petitioner had established

⁷ *Amar Kumar v. State (Govt. of NCT of Delhi)* [2023 SCC OnLine Del 8452], *Prem Kumar v. State* [2024 SCC OnLine Del 628], *Rihan v. State (Govt. of NCT Delhi)* [2023 SCC OnLine Del 4436], *Anshuman v. State* [2023 SCC OnLine Del 2050], *Yojan Sharma v. State* [2023 SCC OnLine Del 5612], *Mohit v. Govt. of NCT Delhi* [2024 SCC OnLine Del 1222].



relations with respondent No. 2 on a false promise to marry. The case is still at the initial stage as the charge is yet to be framed.

Considering the facts of the present case including the fact that the High Court is well within its right to quash proceedings emanating from Section 376 IPC, if the facts so warrant, the present petition is allowed and FIR No. 657/2023 registered under Section 376 IPC at P.S. Shakarpur, Delhi and the proceedings emanating therefrom are quashed. Bail bond and surety bond, if any, are discharged. Pending application is disposed of as infructuous.”

12. Ms. Bandhopadhyaya has, however, drawn my attention to another coordinate Bench decision in *Shafeeq Ahmad v. State (NCT of Delhi)*⁸, in which the Court refused to exercise its discretion to quash proceedings under Section 376, despite a compromise between the prosecutrix and the accused. The allegations in the FIR were that the prosecutrix was already married, but was pursued by the accused, who lived near her parental home. He professed love for her and established a physical relationship, which she alleged was under force and threats. She also alleged that he had thereafter threatened to kill her. The Court’s reasoning for declining to quash the proceedings was as follows:

“13. The court, exercising inherent powers on such issues must strike delicate balance between abovementioned rival possibilities. And for that, it is necessary to take the complaint through full dress trial.

14. Present is not an ordinary case of a love affair having gone awry. It is also not a case, where the accused induced the victim into sexual relations through misrepresentation of false promise to marry.

15. Present is a case where the prosecutrix alleges that Petitioner 1 initially made her believe that he would die if she did not reciprocate his love for her; that thereafter Petitioner 1 established sexual relations with her against her consent; that not just this, Petitioner 1 also clicked her nude pictures and videos; that Petitioner 1 repeatedly raped her and blackmailed her into obtaining divorce from her husband, with whom she had two children; that after she obtained divorce, even Petitioner 2 molested her and when she brought this to the notice of Petitioner 1, he beat her up and abandoned her after

⁸ 2025 SCC OnLine Del 2796 [hereinafter, “*Shafeeq Ahmad*”].



threatening to circulate her pictures and videos, if she disclosed all that to anyone; that Petitioner 1 got her pregnancy aborted; that Petitioner 1 not just repeatedly beat her up, he even sodomised her against her consent, causing immense pain and injury.”

[Emphasis supplied.]

13. I am of the view that *Shafeeq Ahmad* turns on facts somewhat different from the facts of the present case. Like in *Amit Plathia*, the FIR in the present case was clearly predicated upon an allegation of false promise of marriage; in fact, the petitioner and the prosecutrix were stated to have met through their families for the purposes of marriage, and the FIR was registered at a time when the petitioner allegedly declined to marry the prosecutrix. This narrative aligns closely with the facts in *Jatin Agarwal* and *Amit Plathia*.

14. As far as the stage of trial in the present case is concerned, Ms. Bandhopadhyaya states that although the investigation has been completed, the chargesheet has not yet been filed.

15. Having regard to the aforesaid facts and circumstances, and the precedents cited above, I am of the view that this is a fit case to exercise discretionary powers conferred on this Court under Section 528 of the BNSS, to quash the criminal proceedings. Such an order would enure to the benefit of both the parties, and enable them to establish a peaceful and harmonious domestic life. Despite the seriousness of the offence, the facts do not disclose such elements of public interest or heinous criminality, as to necessitate the criminal proceedings to be carried to their logical conclusion.

16. The petition is, therefore, allowed, and FIR No. 397/2025, dated 09.12.2025, registered under Section 64(2)/351(2) of the BNS, at Police



Station Janakpuri, District West, New Delhi, alongwith consequential proceedings emanating therefrom, is hereby quashed.

17. The petition stands disposed of.

PRATEEK JALAN, J

FEBRUARY 7, 2026

'Bhupi/KA'/'