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

+ W.P.(CRL) 178/2026

GYANENDRA KUMAR

.....Petitioner

Through: Mr. Binod Kumar Singh, Advocate

versus

THE STATE NCT OF DELHI AND ORS

.....Respondents

Through: Mr. Yasir Rauf Ansari, ASC for
the State with Mr. Alok Sharma
alongwith SI Raghubir Singh,
P. S.-Mayapuri.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **19.01.2026**

CRL.M.A. 1651/2026 (Exemption)

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

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3. This petition under Article 226 of the Constitution of India read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, ["BNSS"] has been filed on behalf of the petitioner seeking the following reliefs:

*“(a) Pass a writ/writs, order/orders, direction/directions thereby quashing the instant case FIR NO.265/2025, P.S. Mayapuri , Delhi U/S. 77 of The Bharatiya Nyaya Sanhita, 2023 and section 66 of The Information technology Act 2008 and section 14, 15 of The protection of Children from Sexual offence Act, 2012 in the interest of justice.
(b) pass any other order or direction as deem fit and proper in the interest of justice.”*



4. FIR No. 265/2025 was registered on 15.12.2025 at P.S. Mayapuri, District West, Delhi, at the instance of the respondent No.2 herein, and the contents of the said FIR may be summarised as follows:

- a) The respondent No.2 is a housewife with two children.
- b) At about 1.00 P.M. on 14.12.2025, she received an Instagram message stating that an obscene video of her had gone viral. She asked the sender to forward the said video to her. The sender asked for her WhatsApp number, whereupon she provided the mobile number of her husband.
- c) Two videos were, thereafter, received on her husband's mobile phone. One video was of respondent No.2 having a bath, and the other one was of her 14-year-old niece having a bath.
- d) Respondent No.2 did not know who had shot the videos.
- e) The videos appeared to be taken about 7-8 months prior to the registration of the FIR.

5. The niece of respondent No.2 has been arrayed as respondent No. 3 in the present petition.

6. Mr. Binod Kumar Singh, learned counsel for the petitioner, submits that, although the subject FIR was registered against an unknown person, the petitioner has been called for questioning by the police, and his mobile phone has been seized. He states that the petitioner is 21 years of age and closely related to respondent Nos. 2 and 3, as his sister is married to the nephew of respondent No. 2. He submits that the parties have settled the matter, and affidavits of no objection have been filed by respondent No. 2 as well as the father of respondent No. 3. In view of the



no objection on behalf of both the victims, he seeks quashing of the present FIR and proceedings emanating therefrom.

7. It may be noted that the proceedings are at the stage of investigation and, as is apparent from the prayer clause of the petition itself, the petitioner apprehends that the matter will be proceeded with under Sections 14 and 15 of the Protection of Children from Sexual Offences Act, 2012 [“POCSO Act”] as well. Sections 14 and 15 of the POCSO Act concern punishment for using a child for pornographic purposes and for storage of pornographic material involving a child.

8. Mr. Singh relies upon the judgment of the Supreme Court in *Narinder Singh & Ors. v. State of Punjab & Anr.*, (2014) 6 SCC 466 [“*Narinder Singh*”]. While the judgment in *Narinder Singh*, as also several other judgments of the Supreme Court, clearly lay down that the High Court has discretion under Section 482 of the Code of Criminal Procedure, 1973/Section 528 of the BNSS, to quash non-compoundable offences, particularly when disputes are amongst members of a family, I am of the view that the alleged involvement of a child victim renders this case inappropriate for exercising that discretion.

9. The Supreme Court, in *Narinder Singh*, also laid down the following guidelines with regard to quashing of criminal proceedings on the ground of compromise:

*“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 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.”¹

It may be noted that one of the exceptions identified by the Court pertains to offences of mental depravity, which are not simply private in nature, but have a social impact.

10. Mr. Yasir Rauf Ansari, learned Additional Standing Counsel for the State, who appears on advance notice, has drawn my attention to a judgment in *Ramji Lal Bairwa & Anr. v. State of Rajasthan & Ors*, (2025) 5 SCC 117 [“*Ramji Lal Bairwa*”], wherein the Supreme Court, in fact, set aside a judgment of the High Court, quashing an FIR which



involved an offence under the POCSO Act, albeit one under Section 7 thereof.

11. I am not persuaded that the allegations in the present case are liable to be quashed on the basis of a compromise. While each case of this nature must proceed on an analysis of its particular facts, in the present case, the specific allegation is with regard to making and circulation of a video of a 14-year-old girl while she was having a bath. Such an allegation certainly involves a societal interest. Her father has apparently agreed to quashing of the FIR at the instance of the community, as borne out in the affidavit of her father. Nonetheless, the Court cannot lose sight of its duty to protect children from such conduct, even if the parents have consented to quashing of criminal proceedings

12. For the aforesaid reasons, I am of the view that it is not appropriate to exercise the inherent powers of this Court to quash the FIR in question, upon a compromise between the parties.

13. Accordingly, the present writ petition is dismissed.

14. It is made clear that the observations in this order are only for the purposes of deciding the present petition and are not intended to prejudice the rights and contentions of the petitioner in the underlying proceedings.

PRATEEK JALAN, J

JANUARY 19, 2026

Dy/JM/

¹ Emphasis supplied.