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

% ***Date of Decision: 29th January, 2026***

+ **CRL.M.C. 738/2026 & CRL.M.A. 2938/2026**

MOHAMMAD SAMIM

.....Petitioner

Through: **Mr. P. Pratap and Mr. Sunil Kumar,**
Advocates.

versus

STATE & ANR.

.....Respondent

Through: **Mr. Satinder Singh Bawa, APP for the**
State.
Mr. Sandeep Chauhan, Advocate for
Victim.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. Petitioner herein seek quashing of FIR No. 0143/2021 dated 20.03.2021, registered at P.S. Nangloi, for commission of offences under Sections 376/384 IPC and Section 6 of Protection of Children from Sexual Offence Act, 2012 (POCSO), along with all consequential proceedings arising therefrom, on the basis of compromise arrived at between the parties.
2. Though there were specific allegations regarding sexual assault by the complainant (respondent No.2 herein), however, when she made statement on oath under Section 164 Cr.P.C. she did not divulge anything incriminating against the accused and based on her such statement, the petitioner had, earlier also, filed petition seeking quashing of FIR in question.
3. Such petition i.e. CRL.M.C.6767/2023 was taken up by learned



Coordinate Bench of this Court on 05.03.2024. Though the learned Single Judge had recorded that the parties had already amicably settled the matter, the petition was not entertained as the prosecutrix was yet not examined before the learned Trial Court.

4. Now, since the prosecutrix has been examined by the prosecution, fresh petition has been filed. It is submitted that even in her such deposition made before the learned Trial Court, she has not whispered even a single word against the accused and since there is already a settlement between the parties, it is a fit case where the proceedings should be quashed.

5. The copy of the deposition of respondent No.2 dated 22.05.2024 has also been shown and a cursory look upon such deposition would indicate that prosecutrix has not supported the case of the prosecution, at all.

6. In her examination-chief, she claimed that she did not know the accused and that no wrongful act was ever committed upon her.

7. Despite exhaustive cross-examination conducted by the prosecution, with the permission of the Court, she remained adamant to her such stand and did not say anything incriminating about the accused.

8. Quite clearly, in view of the abovesaid specific deposition, the outcome of the case is a *fait accompli*.

9. Respondent No.2 is present in-person and has been duly identified by IO.

10. She has filed an affidavit, sworn on 13.01.2026, which is on record and wherein she has affirmed that FIR in question was lodged on account of some misunderstanding, and that accused i.e. Petitioner has not committed any physical or sexual assault upon her, at any point of time, and that since she was under depression, she had given the name of accused in some confusion.



11. It is also noticed that even before the learned Trial Court, an affidavit to said effect was filed, sworn by respondent No.2 on 05.04.2021.

12. Thus, the picture which emerges out is very clear.

13. The prosecutrix has not supported the case of prosecution when she was examined under Section 164 Cr.P.C., and also when she entered into witness box during the trial.

14. Moreover, her affidavit filed before this Court also goes on to show that no wrong act was ever committed upon her by the petitioner herein, and when asked, she stated that she would have no objection, if the present FIR is quashed. She reiterates that her complaint was on account of some misunderstanding and that she is not under any pressure, coercion or influence, from any corner whatsoever.

15. In view of the settlement arrived at between the parties, continuing with criminal proceedings would serve no useful purpose. In any case, even the complainant does not wish to press any charges.

16. The power of the Court under Section 528 BNSS (corresponding Section 482 Cr.P.C.) extends to quashing offences which are non-compoundable on grounds of settlement between victim/complainant and accused, however, such power is to be exercised with caution. Reference in this regard is made to *Narinder Singh & Ors. vs. State of Punjab & Anr.*, (2014) 6 SCC 466, wherein the Apex Court had observed that proceedings, even in non-compoundable cases, can be quashed on the basis of settlement provided that the Court is satisfied that there was no meaningful purpose in continuing with the proceedings, and that the scope of conviction was remote and bleak.

17. It will also be useful to make reference to one recent pronouncement of



the Apex Court i.e. *Madhukar & Anr. vs. State of Maharashtra* 2025 SCC OnLine SC 1415. The abovesaid case also relates to offence under Section 376 IPC and, when an application was moved by the parties seeking quashing of the proceedings on the basis of settlement, such petition was dismissed by the jurisdictional High Court which compelled the parties to approach Hon'ble Supreme Court. The Apex Court observed as under in para 6:-

“6. At the outset, we recognise that the offence under Section 376 IPC is undoubtedly of a grave and heinous nature. Ordinarily, quashing of proceedings involving such offences on the ground of settlement between the parties is discouraged and should not be permitted lightly. However, the power of the Court under Section 482 CrPC to secure the ends of justice is not constrained by a rigid formula and must be exercised with reference to the facts of each case.”

18. Resultantly, in the abovesaid case, while taking note of the submission of the victim wherein she had submitted that she had settled in her personal life and continuing with the criminal proceedings would only disturb her peace and stability, finding complete consistency in her such stance, and noticing the fact that the continuation of the trial would not serve any meaningful purpose and it would rather only prolong distress for all concerned, especially the complainant, and the burden of the Courts, without the likelihood of a productive outcome, the appeals were allowed and the criminal proceedings were quashed.

19. Accordingly, exercising inherent powers vested in this Court under Section 528 of the BNSS, it is deemed appropriate to quash the instant FIR.

20. Consequently, to secure ends of justice, FIR No. 0143/2021 dated 20.03.2021, registered at P.S. Nangloi, for commission of offences under Sections 376/384 IPC and Section 6 of Protection of Children from Sexual Offence Act, 2012 (POCSO), with all consequential proceedings emanating



therefrom, are hereby, quashed subject to petitioners depositing cost of Rs. 20,000/- each with *Delhi High Court Staff Welfare Fund* [Account no. 15530110074442: IFSC UCBA0001553] within two weeks from today.

21. The petition stands disposed of in aforesaid terms.
22. Pending application also stands disposed of.

(MANOJ JAIN)
JUDGE

JANUARY 29, 2026/ss/sa