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

+ CRL.M.C. 1353/2026 & CRL.M.A. 5435/2026

RAHUL VERMA

.....Petitioner

Through: Mr. Pankaj Singh, Advocate.

versus

STATE NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Hitesh Vali, APP. SI Saris
Khan, PS-Neb Sarai.

Ms. Anshika Singh Parihar,
Advocate for R-2.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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18.02.2026

1. By way of this petition, the petitioner seeks quashing of FIR No. 382/2025 dated 26.09.2025 registered at Police Station Neb Sarai, Delhi, under Sections 376 of the Indian Penal Code, 1860, ["IPC"], alongwith all consequential proceedings emanating therefrom.
2. Issue notice. Mr. Hitesh Vali, learned Additional Public Prosecutor, accepts notice on behalf of the State. Ms. Anshika Singh Parihar, learned counsel, accepts notice on behalf of respondent No. 2.
3. The petitioner and respondent No. 2 are present in Court and have been duly identified by their respective counsel as well as by the Investigating Officer.
4. The FIR alleges that the petitioner and respondent No. 2 initially became acquainted through a mutual friend, which led to the



development of friendship between them. It is further alleged that on one occasion, the petitioner gave respondent No. 2 a drink containing a toxic substance, and engaged in sexual activity with respondent No. 2 without her consent. The FIR further asserts that, the petitioner repeatedly promised to marry respondent No. 2 but subsequently failed to honour these promises, causing her emotional distress. The FIR also provides further instances, when the petitioner allegedly engaged in sexual activity with respondent No. 2, and continued to make false assurances regarding marriage. A chargesheet has also been subsequently filed.

5. The present petition for quashing of the said FIR is founded upon a Memorandum of Understanding dated 16.12.2025 executed between the parties, wherein they have agreed to bring the criminal proceedings to an end.

6. Ms. Parihar submits that the parties have solemnised their marriage on 30.09.2025 and are presently residing together. It is further submitted that respondent No. 2 does not wish to pursue the criminal proceedings. Upon a specific query put by this Court, Ms. Parihar further states that respondent No. 2 has unequivocally affirmed that she has entered into the marriage with the petitioner of her own free will, without any coercion, pressure, or undue influence. As noted above, respondent No. 2 is personally present, and confirms this position.

7. Mr. Vali, however, submits that respondent No. 2 had reiterated the allegations levelled in the FIR in her statement recorded under Section 164 of the Code of Criminal Procedure, 1973 [now corresponding to Section 183 of the Bharatiya Nagarik Suraksha Sanhita, 2023]. He further points out that in her said statement, which forms part of the charge-sheet,



respondent No. 2 stated that the complaint came to be lodged on account of the petitioner's failure to honour his promise of marriage.

8. It is well settled that this Court, in exercise of its inherent powers, may quash criminal proceedings even in cases involving non-compoundable offences where the parties have arrived at a settlement. However, the Supreme Court has cautioned that such power must be exercised with circumspection, particularly where the allegations concern offences of a serious or heinous nature. In *Gian Singh v. State of Punjab & Anr.*¹, the Supreme Court elaborated upon the scope and limitations of the High Court's inherent jurisdiction. The relevant extracts are reproduced below:

58. Where the High Court quashes a criminal proceeding having regard to the fact that the dispute between the offender and the victim has been settled although the offences are not compoundable, it does so as in its opinion, continuation of criminal proceedings will be an exercise in futility and justice in the case demands that the dispute between the parties is put to an end and peace is restored; securing the ends of justice being the ultimate guiding factor. No doubt, crimes are acts which have harmful effect on the public and consist in wrongdoing that seriously endangers and threatens the well-being of the society and it is not safe to leave the crime-doer only because he and the victim have settled the dispute amicably or that the victim has been paid compensation, yet certain crimes have been made compoundable in law, with or without the permission of the court. **In respect of serious offences like murder, rape, dacoity, etc., or other offences of mental depravity under IPC or offences of moral turpitude under special statutes, like the Prevention of Corruption Act or the offences committed by public servants while working in that capacity, the settlement between the offender and the victim can have no legal sanction at all.** However, certain offences which overwhelmingly and predominantly bear civil flavour having arisen out of civil, mercantile, commercial, financial, partnership or such like transactions or the offences arising out of matrimony, particularly relating to dowry, etc. or the family dispute, where the wrong is basically to the victim and the offender and the victim have settled all disputes between them amicably,

¹ (2012) 10 SCC 303.



irrespective of the fact that such offences have not been made compoundable, the High Court may within the framework of its inherent power, quash the criminal proceeding or criminal complaint or FIR if it is satisfied that on the face of such settlement, there is hardly any likelihood of the offender being convicted and by not quashing the criminal proceedings, justice shall be casualty and ends of justice shall be defeated. The above list is illustrative and not exhaustive. Each case will depend on its own facts and no hard-and-fast category can be prescribed.

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61. The position that emerges from the above discussion can be summarised thus : the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences under Section 320 of the Code. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz. : (i) to secure the ends of justice, or (ii) to prevent abuse of the process of any court. **In what cases power to quash the criminal proceeding or complaint or FIR may be exercised where the offender and the victim have settled their dispute would depend on the facts and circumstances of each case and no category can be prescribed. However, before exercise of such power, the High Court must have due regard to the nature and gravity of the crime. Heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. cannot be fittingly quashed even though the victim or victim's family and the offender have settled the dispute. Such offences are not private in nature and have a serious impact on society.** Similarly, any compromise between the victim and the offender in relation to the offences under special statutes like the Prevention of Corruption Act or the offences committed by public servants while working in that capacity, etc.; cannot provide for any basis for quashing criminal proceedings involving such offences. But the criminal cases having overwhelmingly and predominatingly civil flavour stand on a different footing for the purposes of quashing, particularly the offences arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry, etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In this category of cases, the High Court may quash the criminal proceedings if in its view, because of the compromise between the offender and the victim, the possibility of conviction is remote and bleak and continuation of the criminal case would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim. In other words, the



High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceeding or continuation of the criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between the victim and the wrongdoer and whether to secure the ends of justice, it is appropriate that the criminal case is put to an end and if the answer to the above question(s) is in the affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding.”²

Further, in *Narinder Singh & Ors. v. State of Punjab & Anr.*³, the Supreme Court formulated guiding principles for the exercise of jurisdiction under Section 482 Cr.P.C. in cases involving compromise. The Court underscored that while the power to quash is distinct from the power of compounding under Section 320 Cr.P.C., it must be exercised sparingly, bearing in mind the nature and gravity of the offence. The relevant portion reads as follows:

“29. In view of the aforesaid discussion, we sum up and lay down the following principles by which the High Court would be guided in giving adequate treatment to the settlement between the parties and exercising its power under Section 482 of the Code while accepting the settlement and quashing the proceedings or refusing to accept the settlement with direction to continue with the criminal proceedings:

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.

² Emphasis supplied.

³ (2014) 6 SCC 466 [hereinafter, “*Narinder Singh*”].



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.”⁴

9. From the aforesaid decisions, it emerges that offences such as rape are ordinarily regarded as offences against society and are not to be quashed merely on the basis of settlement. At the same time, the Supreme Court has recognised that the High Court is not entirely denuded of its discretion and that each case must be evaluated on its own facts, including the stage of proceedings and the likelihood of conviction.

10. In this context, reference may be made to the judgments of the Supreme Court in *Kapil Gupta v. State (NCT of Delhi)*⁵ and *Madhukar v. State of Maharashtra*⁶, wherein proceedings under Section 376 IPC were quashed in the peculiar facts of those cases. The Supreme Court clarified that, although courts must be slow in quashing prosecutions involving serious allegations, they are nevertheless empowered to assess whether sufficient material exists to sustain the charge, and whether the possibility

⁴ Emphasis supplied.

⁵ (2022) 15 SCC 44 [hereinafter, “*Kapil Gupta*”].



of conviction is remote. The Court in *Kapil Gupta*, the Court noticed the judgment in *Narender Singh*, and observed as follows:

“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.”⁷

11. Although the Supreme Court in *Kapil Gupta* was not concerned with a case in which the prosecutrix and the accused had married each other, this Court has quashed proceedings in factual situations substantially similar to the present case.

12. In *Jatin Agarwal v. State of Telangana and Anr.*⁸ the accused and the prosecutrix were introduced through a matrimonial application. An FIR was lodged when the accused allegedly failed to honour a matrimonial promise after having engaged in a physical relationship. The High Court was approached subsequently, after the parties had married, but the petition was dismissed. The Supreme Court, exercising its powers

⁶ 2025 SCC OnLine SC 1415.

⁷ Emphasis supplied.

⁸ 2022 SCC OnLine SC 1969 [hereinafter, “*Jatin Agarwal*”].



under Article 142 of the Constitution, quashed the said FIR, being satisfied that the prosecutrix had voluntarily married the accused and had no intention of pursuing the complaint further.

13. A comparable factual matrix to the present case was considered by a coordinate Bench of this Court in *Amit Plathia v. State (NCT of Delhi)*⁹, where the FIR had likewise been registered under Section 376 IPC. In that case, the prosecutrix alleged that physical relations were entered into on the basis of a promise of marriage, and that the complaint was instituted when the accused declined to proceed with the marriage. After taking into account the principles laid down by the Supreme Court, as well as earlier decisions of this Court, including *Kapil Gupta* and *Jatin Agarwal*, as well as several earlier orders of this Court¹⁰, 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

⁹ 2024 SCC OnLine Del 9158 [hereinafter, “*Amit Plathia*”].

¹⁰ *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].



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 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.”¹¹

14. There is no dispute that the parties have since married on 30.09.2025. Respondent No. 2 has expressed her unwillingness to continue with the proceedings, which is also reflected in the Memorandum of Understanding dated 16.12.2025, as well as her No-Objection Affidavit dated 07.02.2026. The marriage certificate has been placed on record as Annexure P-7. Both parties have attained the age of majority. The petitioner's date of birth is 12.09.1999. The Investigating Officer has verified the Aadhaar card of respondent No. 2 and confirms her date of birth as 24.07.2004. The marriage has also been solemnised

¹¹ Emphasis supplied.



soon after the alleged offence.

15. Having regard to the totality of the circumstances, including the subsequent marriage between the parties, the settlement arrived at between them, the stage of the proceedings, and the present stand of respondent No. 2, I am of the view that continuation of the criminal proceedings would not advance the cause of justice. In the peculiar facts of this case, and keeping in view the principles enunciated by the Supreme Court, I am is satisfied that it is appropriate to exercise its inherent jurisdiction of this Court under Section 482 Cr.P.C. to bring the proceedings to an end.

16. Consequently, FIR No. 382/2025 dated 26.09.2025 registered at Police Station Neb Sarai, Delhi, under Section 376 IPC, together with all proceedings arising therefrom, stands quashed. Bail bond and surety bond, if any, stands discharged.

17. The petition, alongwith the pending application, is therefore disposed of.

PRATEEK JALAN, J

FEBRUARY 18, 2026

“Bhupi”/SD/