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

+ CRL.M.C. 2584/2026 & CRL.M.A. 10512/2026

MR. VISHAL & ORS.

.....Petitioner

Through: Mr. Rajan Kumar Prasad and Ms.
Nisha, Advocates.

versus

THE STATE OF NCT OF DELHI & ANR.

.....Respondent

Through: Mr. Hitesh Vali, APP.
Ms. Pratika Jha, Advocate for R2.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **07.04.2026**

1. The petitioners have filed this petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ["BNSS"] (corresponding to Section 482 of the Code of Criminal Procedure, 1973 ["CrPC"]) seeking quashing of FIR No. 04/2025 dated 03.01.2025, registered at Police Station Okhla Industrial Area, District South-East, New Delhi, under Sections 69/115(2)/351(3) of the Bharatiya Nyaya Sanhita, 2023 ["BNS"], and all proceedings emanating therefrom, on the ground of settlement.
2. Issue notice. Mr. Hitesh Vali, learned Additional Public Prosecutor, accepts notice on behalf of the State. Ms. Pratika Jha, learned counsel, accepts notice on behalf of respondent No. 2 – complainant.
3. The principal allegations in the impugned FIR, registered at the instance of respondent No. 2, are that petitioner No. 1 induced her into a



relationship on the promise of marriage, and, on multiple occasions, forcefully established physical relations with her, and borrowed money from her. It is further alleged that he subsequently refused to marry her.

4. Upon completion of investigation, a chargesheet was filed under Sections 69/115(2)/351(3)/79 of the BNS, and Section 4 of the Dowry Prohibition Act, 1961, naming petitioner No. 1, his parents, and his brother as the accused persons [petitioners herein].

5. During the pendency of the proceedings, the parties have entered into a settlement, as recorded in a Compromise/Settlement Deed dated 03.03.2026. The settlement records that the parties have amicably resolved their disputes, and that a marriage between petitioner No. 1 and respondent No. 2 was solemnised on 09.02.2026.

6. A marriage certificate dated 13.02.2026, issued by the Office of the District Magistrate, Malviya Nagar, South District, Revenue Department, Government of National Capital Territory of Delhi, certifying the aforesaid marriage, has been placed on record. Respondent No. 2 has also filed an affidavit dated 03.03.2026, stating that she does not wish to pursue the criminal proceedings against the petitioners, and has accorded her no objection to the quashing of the impugned FIR.

7. In light of the aforesaid, the parties seek quashing of the impugned FIR.

8. The parties are present in Court, and have been duly identified by their respective learned counsel as well as the Investigating Officer.

9. Respondent No. 2, who is present in person and represented by counsel, states that she has entered into the marriage with petitioner No. 1 of her own free will, without any coercion, pressure, or undue influence.



10. 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. The Supreme Court, in *Gian Singh v. State of Punjab and Anr.*¹, held as follows:

“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, 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

¹ (2012) 10 SCC 303.



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 and Ors. v. State of Punjab and Anr.*³, the Supreme Court has also laid down guidelines for High Courts while accepting settlement deeds between parties and quashing the proceedings. The relevant observations in the said decision read as under:

“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.

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

² Emphasis supplied.

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



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

11. 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.

12. 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 FIRs *inter alia* under Section 376 of the Indian Penal Code, 1860 [“IPC”] [corresponding to Section 64 of the BNS] were quashed. 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 Court in *Kapil Gupta*, noticed the judgment in *Narinder 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

⁴ Emphasis supplied.

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

⁶ 2025 SCC OnLine SC 1415.



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

13. 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 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.

14. 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)*⁹, 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 refusal of the accused to solemnise the marriage. This Court, however, referring to the judgments of the Supreme Court, including *Kapil Gupta*

⁷ Emphasis supplied.

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

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



and *Jatin Agarwal*, as well as several earlier authorities 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 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.

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].



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

15. As far as the stage of trial in the present case is concerned, I am informed that the charges are yet to be framed.

16. Applying the aforesaid decisions, it may be observed that the FIR in the present case was clearly predicated upon an allegation of false promise of marriage, and was registered at a time when the petitioner allegedly declined to marry respondent No. 2. This narrative aligns closely with the facts in *Jatin Agarwal* and *Amit Plathia*.

17. 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 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.

18. The petition is, therefore, allowed, and FIR No. 04/2025 dated 03.01.2025, registered at Police Station Okhla Industrial Area, District South-East, New Delhi, under Sections 69/115(2)/351(3) of the BNS, alongwith all consequential proceedings arising therefrom, is hereby

¹¹ Emphasis supplied.



quashed.

19. However, considering that the criminal justice machinery had been set in motion and that considerable time of both the State and the Court has been expended, petitioner No. 1 and respondent No. 2 are directed to jointly deposit costs of Rs. 10,000/-, with the Delhi High Court Bar Association [A/C No. 15530110179338, IFSC No. UCBA0001553, Bank Name: UCO Bank, Branch: Delhi High Court], within two weeks from today. An affidavit of compliance shall be filed within two weeks thereafter.

20. The parties will remain bound by the terms of the settlement.

21. The petition, alongwith pending application, accordingly stands disposed of.

PRATEEK JALAN, J

APRIL 7, 2026
‘SV/KA’/