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

% ***Date of Decision: 28.10.2026***

\# **CNR No. DLHC010166522026**

\+ **CRL.M.C. 3031/2026**

MOHD. NAUSHAD ALAM .....Petitioner

Through: Mr. Zaffar Abbas, Mr. A. Khan and Mohd. Shahnwez, Advs.

versus

THE STATE OF NCT OF DELHI & ANR. .....Respondents

Through: Mr. Yusuf and Ms. K. Ansari, Advs. SI Ravinder, PS Paharganj.

CORAM:
HON'BLE MR. JUSTICE SACHIN DATTA

SACHIN DATTA, J. (ORAL)

Crl.M.A.12298/2026 (Exemption from filing certified copies of annexures)

1. Allowed, subject to just exceptions.

2. The application is disposed of in the above terms.

CRL.M.C. 3031/2026

3. The petitioner, *via* the present petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter "*BNSS*") [*pari materia* to Section 482 of the Code of Criminal Procedure, 1973 (hereinafter "*CrPC*"], seeks quashing of FIR No. 305/2024, dated 13.06.2024, registered at P.S. Pahar Ganj, Central (Delhi), under Sections 376/328 of the Indian Penal Code, 1860, and all the proceedings emanating therefrom, on the basis of Memorandum of Understanding (MOU) reached at between the petitioner and respondent no. 2 (complainant). The same has been appended as Annexure P-10 to the present petition.

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4. It is noticed that in the aforesaid, serious allegations of rape have been levelled. It is alleged that on 20.11.2023, the petitioner took the victim to Hotel Klick International for lunch. The petitioner offered a cold drink to respondent no. 2 (complainant), which she drank and was rendered unconscious. On regaining consciousness, she found herself undressed. The petitioner thereafter showed her photographs and videos, and blackmailed respondent no. 2 (complainant) on that basis and continued to have a physical relationship with her. When respondent no. 2 (complainant) became pregnant, the petitioner asked to abort and, on her refusal, broke all contact with her.

5. The learned Counsel for the parties have been heard, and the record has been perused. I have given my thoughtful consideration to the matter.

6. It is a settled legal position that the inherent power of this Court, recognised under Section 528 of the BNSS (*pari materia* to Section 482 of the CrPC), to quash proceedings on settlement extends to non-compoundable offences. The same has been affirmed by a three-judge bench of the Supreme Court in ***Gian Singh v. State of Punjab,*** **(2012) 10 SCC 303**. However, the Supreme Court gave a word of caution that serious offences of mental depravity, such as the offence alleged in the present case, should not be ordinarily quashed. It was observed as under:

> *"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***

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> ***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 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.*"
>
> (emphasis supplied)

7. The Court has accordingly considered the alleged acts and the collective material at hand. Given the nature of the offence, the present matter cannot be treated *at par* with a private dispute which can be settled between the parties. The present case is not one of a consensual relationship which has later soured, or of a promise to marry which is not kept. Here the allegation is far more serious. The alleged settlement between the parties does not persuade this Court to take a different view.

8. The wider interest in bringing to justice perpetrators of serious crimej

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outweighs the request to end the proceedings on a private settlement. In ***Narinder Singh v. State of Punjab,* (2014) 6 SCC 466**, the Supreme Court observed as under:-

> *"16. What follows from the discussion behind the purpose of sentencing is that if a particular crime is to be treated as crime against the society and/or heinous crime, then the deterrence theory as a rationale for punishing the offender becomes more relevant, to be applied in such cases. Therefore, in respect of such offences which are treated against the society, it becomes the duty of the State to punish the offender.* ***Thus, even when there is a settlement between the offender and the victim, their will would not prevail as in such cases the matter is in public domain. Society demands that the individual offender should be punished in order to deter other effectively as it amounts to greatest good of the greatest number of persons in a society.*** *It is in this context that we have to understand the scheme/philosophy behind Section 307 of the Code."*
>
> (emphasis supplied)

9. In ***Daxaben v. State of Gujarat,* (2022) 16 SCC 117**, it was held as under:

> *"37. However, before exercising its power under Section 482CrPC to quash an FIR, criminal complaint and/or criminal proceedings, the High Court, as observed above, has to be circumspect and have due regard to the nature and gravity of the offence.* ***Heinous or serious crimes, which are not private in nature and have a serious impact on society cannot be quashed on the basis of a compromise between the offender and the complainant and/or the victim.*** *Crimes like murder,* ***rape****, burglary, dacoity and even abetment to commit suicide are neither private nor civil in nature. Such crimes are against the society.* ***In no circumstances can prosecution be quashed on compromise, when the offence is serious and grave and falls within the ambit of crime against society****.*
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> *39. In criminal jurisprudence, the position of the complainant is only that of the informant. Once an FIR and/or criminal complaint*

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> *is lodged and a criminal case is started by the State, it becomes a matter between the State and the accused.* ***The State has a duty to ensure that law and order is maintained in society. It is for the State to prosecute offenders****. In case of grave and serious non-compoundable offences which impact society, the informant and/or complainant only has the right of hearing, to the extent of ensuring that justice is done by conviction and punishment of the offender.* ***An informant has no right in law to withdraw the complaint of a non-compoundable offence of a grave, serious and/or heinous nature, which impacts society****.*"
>
> (emphasis supplied)

10. Furthermore, a three-judge bench of the Supreme Court in ***Parbatbhai Aahir v. State of Gujarat,*** **(2017) 9 SCC 641**, while formulating the general guidelines for the Courts dealing with the question of quashing of FIR on compromise, held as under:

> "*16.6. In the exercise of the power under Section 482 and while dealing with a plea that the dispute has been settled, the High Court must have due regard to the nature and gravity of the offence.* ***Heinous and serious offences involving mental depravity or offences such as murder, rape and dacoity cannot appropriately be quashed though the victim or the family of the victim have settled the dispute. Such offences are, truly speaking, not private in nature but have a serious impact upon society. The decision to continue with the trial in such cases is founded on the overriding element of public interest in punishing persons for serious offences****.*"
>
> (emphasis supplied)

11. This Court in ***Aman Gupta v. State Govt. of NCT of Delhi,*** **2025:DHC:10626**, also noted:

> "*5. In the considered view of this Court,* ***offences of the nature alleged particularly those involving sexual offences involving children cannot be nullified merely on the basis of settlements between the parties. Such offences, in the true sense, cannot be regarded as offences in personam and the same constitutes a***

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> ***crime against the society at large. Offences of such nature cannot be extinguished only at the convenience of the parties*** *or because the victim, at a subsequent stage, decides to marry the culprit. Any such compromise or marriage does not ipso facto efface the gravity of the offence or wipe out the seriousness of the allegations.*"
>
> (emphasis supplied)

12. It is pointed out by learned APP for the State that the statement of the victim has already been recorded, and she has fully supported the case of the prosecution.

13. Given the facts and circumstances of the present case, particularly the nature of allegations, this Court is not inclined to quash the FIR on the basis of the aforesaid Settlement Agreement.

14. Accordingly, the petition is dismissed.

OCTOBER 28, 2026/cl/vk **SACHIN DATTA, J**

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