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

+ CRL.M.C. 3832/2025, CRL.M.A. 16766/2025

SUNNY

.....Petitioner

Through: Mr.Chirag Madan, Ms.Ravleen
Sabharwal, Ms.Rachal Tuli,
Mr.Sumit Garg and Mr.Ronit
Bose, Advocates

versus

STATE NCT OF DELHI & ANR.

.....Respondent

Through: Mr.Tarang Srivastava, APP for
State with SI Priyanka, PS North
Rohini

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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29.04.2026

1. By way of the present petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ["BNSS"] (corresponding to Section 482 of the Code of Criminal Procedure, 1973 ["CrPC"]), the petitioner seeks quashing of FIR No. 482/2024, dated 02.08.2024, registered under Sections 137(2) of the Bharatiya Nyaya Sanhita, 2023 ["BNS"] at Police Station Rohini, Delhi, on the ground of settlement between the parties.
2. Issue Notice. Notice is accepted by Mr. Tarang Srivastava, learned Additional Public Prosecutor, on behalf of the State. The prosecutrix [respondent No.2 herein] is present in person, and states that she does not require the assistance of counsel.
3. The petitioner is present in Court, and is identified by his learned counsel and the Investigating Officer ["IO"]. Respondent No. 2 is also



present in Court and is identified by the IO.

4. The FIR was registered at the instance of respondent No.2, who is the mother of the prosecutrix. It is alleged that on 31.07.2024, at about 11:00 AM, the prosecutrix, who was aged 17 years and 10 months, left her house stating that she was going to work. However, at around 1:00 PM, the complainant was informed by her other daughter that the prosecutrix had, in fact, not visited her workplace. Thereafter, the family made efforts to trace her but were unable to locate her, and her mobile phone was also found to be switched off.

5. During investigation, the prosecutrix and the petitioner were recovered on 29.08.2024. After completion of investigation, a charge sheet was filed. Sections 64(1) of BNS and Sections 4/6 of the Protection of Children from Sexual Offence Act, 2012 [“POCSO Act”] were added against the petitioner. The allegations against the petitioner stem from the statement of the prosecutrix recorded under Section 183 BNSS. In her statement, she alleged that the petitioner asked her to meet him at her workplace, after which they travelled together by bus and metro to an unknown location. Upon reaching there, the petitioner allegedly took her mobile phone, informed her that she would be staying with him, and did not permit her to contact her parents. She further alleged that the petitioner established sexual relations with her during this period.

6. The petitioner was arrested on 31.08.2024 and was granted bail by the Sessions Court *vide* order dated 06.11.2024. While granting bail, the Court, *inter alia*, relied upon *Dharmander Singh v. State*¹, and observed that although the matter was at the stage of scrutiny of



documents/framing of charge, the prosecutrix had repeatedly appeared before the Court and stated that she had since attained majority and had gone with the petitioner of her own free will. The Court also took note of the fact that the marriage between the petitioner and the prosecutrix was fixed for 08.11.2024, and that she was residing with the petitioner and intended to marry him.

7. The petitioner and the prosecutrix have since gotten married to each other on 08.11.2024, and also had a child out of the wedlock on 13.10.2025.

8. During the pendency of the proceedings, the petitioner and the prosecutrix have entered into a settlement agreement dated 06.02.2025.

9. The prosecutrix, who is present in person, states that she does not support the allegations in the FIR or the further allegations against the petitioner under Section 64(1) of the BNS and provisions of POCSO. Before this Court also, respondent No. 2 has signified her no objection to quashing of the FIR, and has filed an affidavit dated 06.02.2025 to this effect.

10. It is well settled that, even in non-compoundable offences, this Court may, in exercise of its inherent power Section 482 of the CrPC [corresponding to Section 528 of the BNSS], can quash criminal proceedings, even with respect to non-compoundable offences, on the ground that there is a compromise between the accused and the complainant, especially when no overarching public interest is adversely affected.

11. The Supreme Court, in *Gian Singh v. State of Punjab and Anr.*

¹ 2020 SCC OnLine Del 1267 [hereinafter, “*Dharmander Singh*”].



[(2012) 10 SCC 303], has 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 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.]

Further, in *Narinder Singh and Ors. v. State of Punjab and Anr.* [(2014) 6 SCC 466], 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 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.”

[Emphasis supplied.]

12. The question which requires consideration is whether inherent jurisdiction of this Court ought to be exercised in the present case to quash criminal proceedings, instituted *inter-alia* for the offence of rape,



and under the provisions of POCSO.

13. While the Courts have always exercised utmost caution in allowing heinous crimes like rape and child sexual offences to be quashed on the basis of compromise between the parties, this is not a blanket rule, and exceptions have been made in deserving cases. The judgments of the Supreme Court in *Kapil Gupta v. State (NCT of Delhi)*², *Madhukar v. State of Maharashtra*³, and *Jatin Agarwal v. State of Telangana and Anr.*⁴, reflect this approach even in cases of rape.

14. In *Jatin Agarwal*, the Court noticed *inter alia* that the prosecutrix and the accused had gotten married to each other.

15. In the context of POCSO also, certain judgments of the Supreme Court and the High Courts suggest that the Courts must be cognisant of the consensual nature of relationships between young people, even in the context of allegations under the POCSO Act. The Supreme Court, in its recent judgment in *State of Uttar Pradesh v. Anurudh and Anr.*⁵, has referred to judgments of several High Courts, and expressed concern with regard to the application of the POCSO Act on consenting adolescents. Four factors identified by the Allahabad High Court in *Satish alias Chand v. State of Uttar Pradesh*⁶ have been reproduced therein, which are as follows:

“A. Assess the Context: Each case should be evaluated on its individual facts and circumstances. The nature of the relationship and the interventions of both parties should be carefully examined.

² (2022) 15 SCC 44.

³ 2025 SCC OnLine SC 1415.

⁴ 2022 SCC OnLine SC 1969 [hereinafter, “*Jatin Agarwal*”].

⁵ 2026 SCC OnLine SC 40.

⁶ CrI.Misc.Bail Appln. No. 18596/2024.



B. Consider Victim's Statement: The statement of the alleged victim should be given due consideration. If the relationship is consensual and based on mutual affection, this should be factored into decisions regarding bail and prosecution.

C. Avoid Perversity of Justice: Ignoring the consensual nature of a relationship can lead to unjust outcomes, such as wrongful imprisonment. The judicial system should aim to balance the protection of minors with the recognition of their autonomy in certain contexts. Here the age comes out to be an important factor.

D. Judicial Discretion: Courts should use their discretion wisely, ensuring that the application of POCSO does not inadvertently harm the very individuals it is meant to protect.”

In fact, the Supreme Court has directed the Government of India to consider introduction of a “*Romeo-Juliet clause*”, with the following remark:

“19. ...the introduction of a Romeo - Juliet clause exempting genuine adolescent relationships from the stronghold of this law; enacting a mechanism enabling the prosecution of those persons who, by the use of these laws seeks to settle scores etc.”

16. Recently, a coordinate Bench of this Court, in *Harmeet Singh v. State (NCT of Delhi)*⁷, dealt with a case involving a 22 year old accused and a 17 year old prosecutrix, who subsequently married upon attaining majority and had a child out of the wedlock. After considering judgments of Supreme Court and various High Courts, this Court laid down relevant factors to be considered while examining a plea for quashing of offences under the POCSO Act on the basis of consent of a *de jure* victim. The relevant extract is reproduced below:

“36. This court is of the view, that though quashing of criminal proceedings under the POCSO Act is not anathema to the law, such quashing demands careful and sensitive consideration of the fact

⁷ 2026 SCC OnLine Del 1707 [hereinafter, “*Harmeet Singh*”].



situation. When examining a plea for quashing of an offence under the POCSO Act based on the consent of a de-juré victim, the court must carefully evaluate the reasons as to why the victim disclaims any loss or injury to her and must record its satisfaction inter-alia on the following aspects :

36.1. Based on the circumstances of a given case, the court must be satisfied that in granting a 'no-objection' to the quashing of criminal proceedings, the de-juré victim is genuinely acting on her own free will and volition and has not been misled, pressurised or deceived into offering such no-objection;

36.2. Whether the de-juré victim has taken a consistent stand in favour of closing the case from the inception of the criminal proceedings, and has disclaimed that she has suffered any loss or injury at the hands of the offender;

36.3. Whether the circumstances of the case justify an inference that the acts or omissions that the parties have indulged in, were volitional on the part of the de-juré victim;

36.4. Whether the marriage or other arrangement, based on which the offender and the de-juré victim are seeking closure of criminal proceedings, evokes confidence on the part of the court; or does it appear to be a ruse or stratagem of the offender to evade conviction and punishment;

36.5. Whether the parties have been living together as a family for a length of time; and whether children are born to the parties, whose future would also be impacted by a decision not to quash the criminal proceedings;

36.6. Whether the offender is alleged to have committed any violence or brutality on the de-juré victim; or has committed any other act or omission that points to the absence of genuine volition on the part of the de-juré victim; and if so, is there any medical and other forensic evidence to show such conduct on the offender's part;

36.7. What was the respective age of the offender and the de-juré victim at the relevant time; whether both were minor; and what are the ramifications of the relative age difference and minority;

36.8. This court would hasten to add, that the aforementioned considerations are only suggestive and far from exhaustive; and before quashing any criminal proceedings under the POCSO Act, the court must interact with the parties and arrive at a subjective satisfaction that the quashing of the case is warranted on larger



considerations of justice and to prevent abuse of the process of law, as discussed above; and

36.9. Ultimately, the decision to quash criminal proceedings under the POCSO Act must be founded on the best interests of the de-juré victim and the children, if any, born from the union of the parties.
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17. Applying the aforesaid factors to the present case, it can be held as follows:

- A. The date of birth of prosecutrix, according to her school records and Aadhar card, is 16.09.2006. The date of birth of the petitioner, on the other hand, in his Aadhar card is 01.01.2001. The allegation against the petitioner thus pertains to the period when the prosecutrix was on the cusp of adulthood - she was over 17 years and 10 months of age - and the petitioner was around 23 years old.
- B. The FIR was not lodged at the instance of the prosecutrix, but was initiated by her mother upon being unable to locate her. During the course of investigation, the petitioner and the prosecutrix were traced and recovered on 29.08.2024, nearly one month after the registration of the FIR.
- C. The allegations against the petitioner under the POCSO Act were made for the first time in the statement of the prosecutrix recorded under Section 183 BNSS on 30.08.2024, i.e., one day after their recovery. No such allegations were reflected in the MLC, which preceded the said statement. Thereafter, the prosecutrix has consistently maintained that she had gone with the petitioner of her own free will, as also reflected in the bail order passed in favour of the petitioner.
- D. The marriage between the parties was solemnized more than one



year and six months ago, and since then they have been living together. A child has also been born out of the wedlock on 13.10.2025.

E. There is no allegation that the petitioner was violent against respondent No. 2.

F. Even as of today, the prosecutrix is present before this Court and has expressed her unequivocal support for the quashing of the impugned FIR against the petitioner.

18. In such circumstances, following the judgment in *Harmeet Singh*, I am of the view that the continuation of the criminal proceedings would be an impediment in the continued peaceful and harmonious family life of the parties. Having regard to the above facts, the possibility of conviction in the criminal proceedings, if continued, also appears to be remote.

19. Having regard to the foregoing discussion, the petition is allowed, and FIR No. 482/2024 dated 02.08.2024, registered under Sections 137(2) of the BNS, along with all consequential proceedings arising therefrom, is hereby quashed.

PRATEEK JALAN, J

APRIL 29, 2026

'sv'/AD/