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

+ **CRL.M.C. 9035/2025**

ABHISHEK KUMAR SINGH

.....Petitioner

Through: Mr. Ravindra Kanth, Ms. Rachna
Kumari, Advocates with petitioner
With petitioner-in-person.

versus

THE STATE OF NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Ajay Vikram Singh, APP.
Counsel for R-2 (*appearance not
given*) and R-2 in-person.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **11.02.2026**

CRL.M.A. 4703/2026 (for early hearing)

1. This is an application for early hearing of the captioned petition filed by the petitioner.
2. For the reasons stated therein, the application is allowed, and CRL.M.C. 9035/2025 is taken up for hearing with the consent of learned counsel for the parties.
3. The application thus stands disposed of.

CRL.M.C. 9035/2025

4. The petitioner seeks quashing of FIR No. 257/2024 dated 30.05.2024 registered at Police Station Kapashera, South West District, Delhi, under Sections 376/328/506/509 of the Indian Penal Code, 1860, ["IPC"], alongwith all consequential proceedings emanating therefrom.
5. Issue notice. Notice is accepted by Mr. Ajay Vikram Singh, learned Additional Public Prosecutor, on behalf of the State. Learned counsel



accepts notice on behalf of respondent No. 2.

6. The petitioner and respondent No. 2 are present in Court, and they are identified by their respective counsel and by the Investigating Officer.

7. The allegations in the FIR are that the petitioner and respondent No. 2 were working in the same branch of a bank. A friendship developed between them. They were on their way back from a company visit when respondent No. 2's health deteriorated, and she requested the petitioner to drop her to an auto. Instead, the petitioner invited respondent No. 2 to his nearby accommodation, where he gave her some medication and juice. It is alleged that she became dizzy and lost consciousness, and she apprehended that she had been sexually assaulted. Although the petitioner denied the allegation, he thereafter sent her nude photographs and a video of herself, threatening to circulate them on social media.

8. The petition is for quashing of the impugned FIR predicated upon a Memorandum of Understanding dated 19.09.2025 entered into between the parties, whereby they have agreed that the present FIR be quashed.

9. While the Court possesses inherent powers to quash criminal proceedings, including in respect of non-compoundable offences on the basis of a compromise between the parties, the decisions of the Supreme Court make it clear that offences of a heinous and serious nature ought not to be quashed in the ordinary course. Reference in this regard may be made to the following extracts from the judgment in *Gian Singh v. State of Punjab & Anr.*¹:

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

¹ (2012) 10 SCC 303.



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.

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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 has also laid down guidelines for High Courts while considering settlement agreements between parties for quashing criminal proceedings. The Court has, in particular, cautioned against quashing proceedings involving offences of a grave and heinous nature, on the basis of compromise. The relevant paragraphs are cited hereinbelow:

² Emphasis supplied.



“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.”⁴

10. In the present case, the allegations against the petitioner, *inter alia*, involve an allegation of rape under Section 376 of the IPC. Mr. Ravindra

³ (2014) 6 SCC 466.



Kanth, learned counsel for the petitioner, however, draws my attention 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 involving Section 376 were quashed on the ground of compromise. It may be noted that, while doing so, the Court in *Madhukar* cautioned that quashing of proceedings involving grave and heinous offences such as Section 376 on the ground of settlement is discouraged. The peculiar facts of that case, as noted by the Court, were that the FIR invoking Section 376 was filed immediately after an earlier FIR had been lodged by the accused and his family.

11. Mr. Kanth submits that the petitioner and Respondent No. 2 were both graduates, working in the same organisation, and shared a consensual and long-standing relationship.

12. Mr. Singh, on the other hand, states that the respondent No. 2 has reiterated the allegation in her statement under Section 164 of the Code of Criminal Procedure, 1973.

13. In each such case, the Court is required to appreciate the particular fact and circumstances, and assess public interest involved. While no straitjacket formula is to be applied, I do not find any circumstances in the present case, so as to persuade me to exercise the exceptional jurisdiction for quashing of proceedings in respect of such offences. In my view, none of the factors cited by Mr. Kanth, militates against the principle that criminal proceedings involving heinous offences cannot ordinarily be quashed on the basis of a compromise. Respondent No. 2

⁴ Emphasis supplied.

⁵ (2022) 15 SCC 44.



has not, at any stage, disavowed the allegations. The criminal process having been set in motion in respect of such serious allegations, I do not consider this to be a fit case for the exercise of the inherent powers of the Court to quash the proceedings on the basis of a compromise.

14. The petition, alongwith the pending applications, is therefore dismissed.

15. Needless to say, the observations in this order will not affect the rights and contentions of the parties in the pending criminal proceedings.

16. Next date of hearing already fixed, i.e. 24.04.2026, stands cancelled.

PRATEEK JALAN, J

FEBRUARY 11, 2026

'Bhupi/JM'/'

⁶ 2025 SCC OnLine SC 1415, [hereinafter, "*Madhukar*"].