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

+ **CRL.M.C. 752/2026**

SEWA LAL & ORS.

....Petitioners

Through: Mr. Ritesh Patil, Advocate

versus

STATE OF NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Digam Singh Dagar, APP for
the State

CORAM:

HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

ORDER

29.01.2026

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CRL.M.A. 2992/2026 (delay of 38 days)

1. By way of the present application, the petitioner seeks condonation of delay of 38 days in re-filing the present petition.
2. For the reasons stated in the application, delay of 38 days in re-filing the present petition is condoned.
3. The application stands disposed of

CRL.M.C. 752/2026

4. By way of the instant petition, the petitioners seek quashing of FIR bearing No. 726/2024 registered at Police Station Shahbad Dairy, Outer North (Delhi) for the commission of offence punishable under Sections 74/76/115/126(2) of the Bharatiya Nyaya Sanhita, 2023 (hereafter 'BNS') and Section 8/12 of the Protection of Children from Sexual Offences Act, 2012 (hereafter 'POCSO Act') and the consequential proceedings arising



out of the FIR.

5. Issue notice. The learned APP accepts notice on behalf of the State.

6. Brief facts of the present case are that on 07.10.2024, at around 6:00 PM, the complainant was present at his clinic when the petitioners came there and questioned him as to why he had allegedly abused them. The complainant denied the said allegation, whereupon the petitioners became agitated and started assaulting him. During the incident, the niece of the complainant, i.e., the victim, intervened in an attempt to rescue him; however, the applicant/accused persons caught hold of her hair, pulled her, and tore her kurta. Consequently, the present FIR was registered.

7. The present petition was filed by the petitioners for quashing of FIR on the basis of settlement, and a settlement deed dated 24.10.2024 was placed on record *vide* which the petitioners and the respondents have settled the present case. However, after perusing the allegations against the petitioners herein, this court does not think fit to quash the present FIR. Therefore, the learned counsel for the petitioners and the learned APP for the state are directed to address arguments on merit.

8. The learned counsel appearing on behalf of the petitioners argues that they have been falsely implicated in the present FIR. It is further argued that an altercation had taken place between the complainant and the present petitioners, who are neighbours, and that owing to such altercation and resulting misunderstanding, the present FIR came to be registered. On these grounds, it is prayed that the FIR in question be quashed.

9. The learned APP for the state argues that the allegations against the petitioners are serious in nature. It is argued that when an altercation



between the complainant and the petitioners took place, the victim came to rescue the complainant; however, the petitioners grabbed her hair and pulled it, and tore her Kurta. It is further argued that the allegations against the present petitioners are serious in nature. Therefore, the present FIR should not be quashed.

10. This Court has **heard** arguments addressed by the learned counsel for the petitioners and learned APP for the state and has perused the material on record.

11. After perusal of the present FIR the allegations which are levelled against the petitioners are that an altercation between the complainant and the petitioners arose, the victim, i.e., the niece of the complainant, came in between to rescue the complainant; however, the petitioners pulled her hair and tore her *kurta*, which she was wearing.

12. One of the contention of the petitioners herein is that there was some misconception due to which the present FIR was registered. However, this it is pertinent to note that the allegations in the FIR are specific, as when the victim came to rescue the complainant from the petitioners, she was pulled by her hair and her kurta was torn.

13. The Hon'ble Supreme Court, in ***Ramji Lal Bairwa v. State of Rajasthan***: (2025) 5 SCC 117, has categorically held that the mere fact that the victim or the victim's family has entered into a settlement does not, by itself, warrant the quashing of an FIR. The Court emphasised that the determinative factors are the gravity and nature of the offence, and whether the offence is purely private in character or has a serious impact on society at large. The relevant portion is mentioned below:

“25. Thus, in unambiguous terms this Court held that before



exercising the power under Section 482, Cr.P.C., the High Court must have due regard to the nature and gravity of the crime besides observing and holding that heinous and serious offences could not be quashed even though a victim or victim's family and the offender had settled the dispute. This Court held that such offences are not private in nature and have a serious impact on the society.”

14. Further, the Supreme Court in *Prabhatbhai Ahir v. State of Gujarat*, (2017) 9 SCC 641, has discussed the scope and power of the High Court under Section 482 Cr.P.C. to quash the criminal proceedings on the basis of a settlement in a heinous or serious offence and has laid down the following law:-

“15. The broad principles which emerge from the precedents on the subject, may be summarised in the following propositions :

(i) Section 482 preserves the inherent powers of the High Court to prevent an abuse of the process of any court or to secure the ends of justice. The provision does not confer new powers. It only recognises and preserves powers which inhere in the High Court;

(ii) The invocation of the jurisdiction of the High Court to quash a First Information Report or a criminal proceeding on the ground that a settlement has been arrived at between the offender and the victim is not the same as the invocation of jurisdiction for the purpose of compounding an offence. While compounding an offence, the power of the court is governed by the provisions of Section 320 of the Code of Criminal Procedure, 1973. The power to quash under Section 482 is attracted even if the offence is non-compoundable.

(iii) In forming an opinion whether a criminal proceeding or complaint should be quashed in exercise of its jurisdiction under Section 482, the High Court must evaluate whether the ends of justice would justify the exercise of the inherent power;

(iv) While the inherent power of the High Court has a wide ambit and plenitude it has to be exercised; (i) to secure the ends of justice or (ii) to prevent an abuse of the process of any court;



(v) The decision as to whether a complaint or First Information Report should be quashed on the ground that the offender and victim have settled the dispute, revolves ultimately on the facts and circumstances of each case and no exhaustive elaboration of principles can be formulated;

(vi) 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....”

15. At the stage of considering a petition for quashing of an FIR, the Court is required to examine whether such quashing would be just and fair, secure the ends of justice, and prevent abuse of the process of law. It is well-settled that an offence involving the sexual assault of a minor child cannot be treated as a mere private dispute between individuals, as such offences have serious societal implications. Such an offence constitutes a grave offence against society at large, striking at the very core of social conscience. Therefore, proceedings arising out of such an offence cannot be quashed solely on the basis of a settlement arrived at between the parties. What is required to be considered is the gravity and heinous nature of the offence, its impact on society, and whether quashing the proceedings would be contrary to the principles of justice and public interest.

16. Each case presents its own distinct facts and circumstances, which are required to be carefully examined while dealing with a petition



seeking quashing of an FIR. In the present case, it is a material consideration that the victim was only 15 years of age at the time of the alleged assault, during which her clothes were torn. Even as on date, the victim continues to be a minor.

17. What must be borne in mind is that once sexual assault is committed upon a minor, the harm caused is irreversible. Such an act leaves a permanent and indelible impact on the child, one that she is compelled to carry throughout her life. There is no possibility of undoing the trauma inflicted, and no question of restoring the victim to the position she occupied prior to the offence.

18. Considering the overall facts and circumstances of the case, and having regard to the grave and serious nature of the allegations levelled against the petitioners, this Court is of the view that the present case cannot be treated as a private dispute between the parties, but has ramifications affecting society at large. Accordingly, this Court does not find it to be a fit case for exercise of its jurisdiction to quash the FIR.

19. Accordingly, the present petition stands dismissed.

20. It is however clarified that nothing expressed hereinabove shall tantamount to an expression of opinion on merits of the case.

21. The order be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

JANUARY 29, 2026/ns

RB/GJ