



2026:DHC:8956



\$~60

* IN THE HIGH COURT OF DELHI AT NEW DELHI

% Date of Decision : 08.10.2026

CNR No.DLHC010120342026

+ CRL.M.C. 2258/2026 and CRL.M.A.9215/2026

BAVNEET SINGH ALAGH

.....Petitioner

Through: Mr. Arun Srivastava and Mr. Manish Singh, Advs.

versus

GOVT OF NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Ashneet Singh, APP for State.
Mr. H. S. Sodhi, Adv. for R-2 along with R-2 in person.
SI Manisha, PS Punjabi Bagh and SI Rajni Kumari, PS Hari Nagar.**CORAM:****HON'BLE MR. JUSTICE SACHIN DATTA****SACHIN DATTA, J. (ORAL)**

1. The petitioner, *via* present petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter “*BNSS*”) (corresponding to Section 482 of the Code of Criminal Procedure, 1973 (hereinafter “*CrPC*”) seeks quashing of FIR No. 538/2021, dated 24.09.2021, registered at P.S. Hari Nagar, West (Delhi), under Sections 354/506 of the Indian Penal Code, 1860 (hereinafter “*IPC*”) and Section 10 of the Protection of Children from Sexual Offences Act, 2012 (hereinafter “*POCSO Act*”), and all proceedings arising out of it.

2. Subsequently, the chargesheet, filed under Section 173 of the CrPC, charged the petitioner under Section 354D of the IPC and Section 12 of the



POCSO Act, in addition to the aforementioned Sections invoked in the FIR. Currently, the case is pending for trial in Sessions Case (SC) No. 63/2022 before Ld. ASJ POCSO-07, Tis Hazari Courts, Delhi, and the next date of hearing therein is 12.10.2026.

3. The complainant/respondent no. 2 is the petitioner's first cousin. She alleges that in the early morning of 21.03.2021, while everyone in her house was sleeping, the petitioner/accused started touching her inappropriately; only when she started shouting did he apologise. However, he later threatened and harassed her, including on WhatsApp. It is submitted that her date of birth is 15.05.2003. Accordingly, she was then about 17 years and 10 months old.

4. It is also pointed out that although the incident took place on 21.03.2021, the FIR was registered after about six months, *i.e.*, on 24.09.2021. The investigation itself records in the chargesheet that the families of the parties were embroiled in cross-complaints and a money dispute at that time.

5. The parties have settled the dispute by Memorandum of Understanding (MOU) dated 09.02.2026. The same has been annexed as Annexure-A to the present petition.

6. The complainant/respondent no. 2 submits that she is pursuing studies in Canada. She executed a Special Power of Attorney (SPA) in favour of her mother, who has executed the aforementioned MOU on her behalf. The same has been enclosed as Annexure-A with the present petition. The SPA bears the stamp of the Consulate General of India, Toronto, and specifically and unequivocally authorises her mother, in terms of paragraph 4 contained therein, to settle/quash the present matter.



2026:DHC:8956



7. Although the MOU was executed on behalf of the complainant/respondent no. 2 by her mother on the basis of the aforesaid SPA, the complainant/respondent no. 2, who is present in person in Court today, states that she is no longer desirous of pursuing the present matter.

8. She states that she has settled the matter with the petitioner of her own free will and without any sort of pressure, coercion, or inducement. She also submits that there has been a re-conciliation between the families of the parties and, as such, she does not wish to pursue the present matter.

9. It is also pointed out that she is not even appearing in the proceedings before the trial Court and has accordingly been dropped as a witness by the Court. The Investigating Officer, who is present in Court, has identified the parties.

10. Ld. APP, on behalf of the State, objects to the present petition and urges that the FIR should not be quashed because of the seriousness of the allegations, especially the ones concerning the offences under the POCSO Act.

11. This Court is conscious that the offences under the POCSO Act are serious in nature. As such, a private settlement between the parties would not by itself justify quashing such a prosecution. This Court has reiterated this position of law in **Anand Singh Rawat v. The State, 2026:DHC:8211**, relying on the Supreme Court's decision in **Gian Singh v. State of Punjab, (2012) 10 SCC 303**.

12. However, this Court cannot lose sight of other guidelines laid down for the High Courts by the Supreme Court in **Gian Singh (Supra)**:

*“56. It needs no emphasis that exercise of inherent power by the High Court would entirely depend on the facts and circumstances of each case. **It is neither permissible nor proper for the court to provide a***



straitjacket formula regulating the exercise of inherent powers under Section 482. No precise and inflexible guidelines can also be provided.

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.”

(emphasis supplied)

13. The Supreme Court in ***Gian Singh (Supra)*** also relies upon ***CBI v. A. Ravishankar Prasad, (2009) 6 SCC 351***, which summed up the position regarding the exercise of the inherent powers for quashing FIR in the following terms:

“17. Undoubtedly, the High Court possesses inherent powers under Section 482 of the Code of Criminal Procedure. **These inherent powers of the High Court are meant to act ex debito justitiae to do real and substantial justice, for the administration of which alone it exists, or to prevent abuse of the process of the court.**”



19. This Court time and again has observed that the extraordinary power under Section 482 CrPC should be exercised sparingly and with great care and caution. The court would be justified in exercising the power when it is imperative to exercise the power in order to prevent injustice. In order to understand the nature and scope of power under Section 482 CrPC it has become necessary to recapitulate the ratio of the decided cases.

20. Reference to the following cases would reveal that the courts have consistently taken the view that they must use the court's extraordinary power only to prevent injustice and secure the ends of justice. We have largely inherited the provisions of inherent powers from the English jurisprudence, therefore the principles decided by the English courts would be of relevance for us. It is generally agreed that the Crown Court has inherent power to protect its process from abuse. The English courts have also used inherent power to achieve the same objective.

39. Careful analysis of all these judgments clearly reveals that the exercise of inherent powers would entirely depend on the facts and circumstances of each case. The object of incorporating inherent powers in the Code is to prevent abuse of the process of the court or to secure ends of justice.”

(emphasis supplied)

14. It is also relevant to take note of the observations of the Supreme Court in *Narinder Singh v. State of Punjab*, (2014) 6 SCC 466, wherein it was observed as under:

“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)

15. As a general proposition, the Court is loathe to quash offences of the like involved in the present case. At the same time, this Court cannot lose sight of the fact that in certain peculiar situations, the ends of justice may



2026:DHC:8956



warrant quashing; this position has been recognized by the Supreme Court.

16. It is also worth noting that this Court in ***Naeem @ Pappu v. The State (NCT of Delhi), W.P. (Crl.) 2024/2021***, while allowing the petition for quashing an FIR registered under the POCSO Act, passed an order dated 24.03.2021 in the following terms:

“3. Respondent No.2/complainant is present in Court and is identified by the learned counsel and the Investigating Officer. She states that she has settled the matter with the petitioner vide Memorandum of Understanding dated 30th January, 2021, copy whereof is annexed as Annexure-P-2 at pages 25 to 26 to the present petition. She also states that after the alleged incident, the petitioner never misbehaved with her and has mend his ways. She states that since the parties are in family relation and the petitioner has mend his ways, she does not wish to pursue the above-noted FIR and the proceedings pursuant thereto.

5. In view of the fact that the parties have amicably resolved their differences of their own free will, volition and without any coercion and no useful purpose will be served in continuance of the proceedings, rather the same would create further acrimony between them, it would be in the interest of justice to quash the abovementioned FIR and the proceedings pursuant thereto. There is no legal impediment in quashing the FIR in question.”

(emphasis supplied)

17. This Court in ***Ankush v. The State (Govt. of NCT of Delhi), Crl. M.C. 3609/2024***, vide order dated 29.05.2024, passed an order on similar terms. Similar approach has been adopted by other High Courts in the following judgments:-

- i. ***Nitin v. State of Maharashtra, 2024 SCC OnLine Bom 5771.***
- ii. ***Shib Narayan Paswan v. State of W.B., 2026 SCC OnLine Cal 6750.***



2026:DHC:8956



- iii. ***Sachin v. State of Haryana, 2026 SCC OnLine P&H 16081.***
- iv. ***Ramees P. v. State of Kerala, 2020 SCC OnLine Ker 12567.***

18. In the facts of this case, this Court is satisfied that given the clear position taken by respondent no. 2, the interest of justice demands that the present quashing petition be allowed for the following reasons:

- a. The allegation relates to a single incident of an attempted touch, when the complainant was about two months short of majority. It is not an allegation of penetrative sexual assault. Moreover, the complainant submits that the petitioner apologised immediately thereafter and also subsequently.
 - b. The FIR was lodged six months after the incident while the two families were in a dispute with cross-complaint.
 - c. The complainant is now an adult aged about 23 years old. She lives abroad. In response to a specific query of the Court, she has clearly stated that she has settled the matter and is not desirous of pursuing it. She submits that the two families have reconciled and this settlement is also one of the steps towards reconciliation.
 - d. The complainant is the only material witness to the incident. Given her stated position, the trial has no realistic prospect of conviction. Continuing it would serve no purpose and would require her to return from Canada to depose in a case that she does not wish to pursue.
19. In the circumstances, continuing the proceedings would be futile and would not serve the ends of justice.
20. Accordingly, the present petition is allowed; FIR No. 538/2021, dated



2026:DHC:8956



24.09.2021, registered at P.S. Hari Nagar, West (Delhi), under Sections 354/506/354D of the IPC and Sections 10/12 of the POCSO Act, and all proceedings emanating therefrom, are quashed.

21. It is agreed by the petitioner that he shall pay costs of Rs.1,00,000/- to the Delhi High Court Legal Services Committee (DHCLSC). Let the same be paid within a period of four weeks from today and proof of deposit be filed in the Registry.

22. The petition, along with pending application, is disposed of in the above terms.

SACHIN DATTA, J

OCTOBER 8, 2026/cl/vk