



2026:DHC:8688



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% **Date of Decision: 30th September, 2026**# **CNR No. DLHC010473252026**+ **CRL.M.C. 7381/2026, CRL.M.A. 30848/2026 & CRL.M.A. 30849/2026****ARUN LAMA & ORS.**

.....Petitioners

Through: Mr. Shubh Mathur with Ms. Soumya
Kandwal and Mr. Apoorv Sharma,
Advocates with petitioners in person.
(M): 9354028785
Email: advshubhmathur@gmail.com

versus

STATE OF NCT OF DELHI & ORS.

.....Respondents

Through: Mr. Hitesh Vali, APP for the State.
(M): 9971695125
Email: valihitesh@gmail.com
SI Krishan Varma, PS Inderpuri.

CORAM:**HON'BLE MS. JUSTICE MINI PUSHKARNA****MINI PUSHKARNA, J. (Oral):**

1. The present petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ("BNSS"), seeking quashing of the First Information Report ("FIR") being *FIR No. 250/2022*, dated 30th April, 2022, registered at Police Station ("PS") Inder Puri, West District, Delhi, under Section 363 of the Indian Penal Code, 1860 ("IPC"), and all consequential proceedings arising therefrom, on the ground of settlement.



2026:DHC:8688



2. Issue notice. Notice is accepted by learned Additional Public Prosecutor (“APP”) appearing for the State, i.e., respondent no. 1, as well as by respondent nos. 2 and 3, who are present before this Court.

3. A Chargesheet dated 12th February 2025, has been filed by the concerned Investigating Officer (“IO”) in respect of the aforesaid FIR before the Trial Court. As per the Chargesheet, petitioner no. 1 has been charged under Sections 363/376 of the IPC and Sections 6/21 of the Protection of Children from Sexual Offences Act, 2012 (“POCSO Act”), and petitioner nos. 2 to 4 have been charged under Section 21 of the POCSO Act.

4. As per the documents on record, the following facts have been culled out:

4.1. Petitioner nos. 2 to 4 are the family members of petitioner no. 1, namely, petitioner no. 2 is his father, petitioner no. 3 is his mother and petitioner no. 4 is his sister.

4.2. On 29th April, 2022, respondent no. 3, who is the daughter of respondent no. 2, left her house and did not return. Thereafter, *FIR No. 250/2022* was registered at the instance of respondent no. 2, stating that his minor daughter could not be found and requesting that she be traced.

4.3. During the police investigation, it was discovered that respondent no. 3 had left her house of her own free will. At the material time, she was in a consensual relationship with petitioner no. 1, and no force, coercion, or pressure had been exerted upon her. The same has been recorded in the Affidavit dated 17th September, 2026, filed on behalf of respondent no. 3.

4.4. Respondent no. 3 gave birth to a male child out of wedlock on 23rd August, 2023, and subsequently married petitioner no. 1 on 16th February, 2024.



2026:DHC:8688



5. Learned counsel appearing for the petitioners submits that respondent nos. 2 and 3 and the petitioners have already compromised and executed a Memorandum of Understanding (“MoU”) dated 14th July, 2026, wherein it is stated, *inter alia*, that the parties have agreed to amicably resolve all their disputes, and that respondent nos. 2 and 3 have agreed to cooperate in the closure of any proceedings arising from *FIR No. 250/2022*.
6. The petitioners and respondent nos. 2 and 3 are present before this Court, and have been duly identified by the IO.
7. This Court is informed that petitioner no. 1 and respondent no. 3 have already married, and that their marriage certificate dated 16th February, 2024, is on record.
8. This Court is further informed that petitioner no. 1 and respondent no. 3 have a son, who is approximately three years of age, and that respondent no. 3 is expecting another child.
9. Upon interacting with respondent no. 3, this Court notes that she confirms the fact that she is now happily married and has been living with the family of petitioner no. 1.
10. This Court has also interacted with petitioner nos. 2 and 3, i.e., the parents of petitioner no. 1, who confirm the fact that petitioner no. 1 and respondent no. 3 have married, and are happily living together at their residence.
11. The Supreme Court has held in numerous cases that High Courts have an inherent power, under Section 482 of the Code of Criminal Procedure, 1973 (“CrPC”), corresponding to Section 528 of the BNSS, to quash criminal proceedings in respect of non-compoundable offences on the basis of settlement between the parties.



12. In *Parbatbhai Aahir Alias Parbatbhai Bhimsinhbhai Karmur and Others Versus State of Gujarat and Another*, (2017) 9 SCC 641, the Supreme Court summarised the following principles for quashing of criminal proceedings:

“xxx xxx xxx

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

16.1. 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.

16.2. 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.

16.3. 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.

16.4. 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.

16.5. 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.

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.

16.7. As distinguished from serious offences, there may be criminal cases which have an overwhelming or predominant element of a civil dispute. They stand on a distinct footing insofar as the exercise of the inherent power to quash is concerned.

16.8. Criminal cases involving offences which arise from commercial, financial, mercantile, partnership or similar transactions with an essentially civil flavour may in appropriate situations fall for quashing where parties have settled the dispute.

16.9. In such a case, the High Court may quash the criminal proceeding if in view of the compromise between the disputants, the possibility of a conviction is remote and the continuation of a criminal proceeding would cause oppression and prejudice; and

xxx xxx xxx”

(Emphasis Supplied)

13. While the Supreme Court has expressed caution when quashing proceedings relating to serious and heinous offences, it has also emphasised that the decision to quash ultimately depends on the particular facts and circumstances of each case, guided primarily by the need to secure the ends of justice and prevent an abuse of process.

14. In the recent case of ***Ayyub Malik and Another Versus State of Uttarakhand and Another, 2026 SCC OnLine SC 637***, the Supreme Court, in similar circumstances as the present case, held as under:

“xxx xxx xxx

5.3 The situation is obtained that now the parties voluntarily got married and started residing and living together to lead their married life without any complaint. It is noticeable that when the FIR was filed by the father of appellant No. 2 on 01.06.2020, both the appellants had already married according to their own will and choice. Presently, both are major and almost six years have elapsed since they are in matrimonial relationship with each other.



6. It may be true that fleeing with a girl who is not of marriageable age and who is minor is an offence under law, however, the subsequent development of marriage between the two lovers and the fact that they have been merrily living would outweigh the need to take the alleged offence or the criminal proceedings to their logical end. In the fact situation like one obtained in the present one, continuation of criminal proceedings against appellant No. 1 would become harassing and stand as an abuse of process of law.

6.1 Any litigation brings a kind of botheration for the parties. The uncertainty of the outcome of the litigation always looms large. When it is a criminal case, its pendency becomes burdensome and worrisome. For appellant No. 1 as well as appellant No. 2, negotiating the criminal proceedings in a court of law, notwithstanding that both are now husband and wife living together, would operate as painful interference in their happy life. The High Court would have done justice to the parties only by quashing the criminal proceedings against appellant No. 1 initiated by the complainant-father of appellant No. 2.

xxx xxx xxx”

(Emphasis Supplied)

15. Likewise, in the present case, respondent no. 3 and petitioner no. 1 married after the registration of *FIR No. 250/2022*. Respondent no. 3 has since attained the age of majority and has been voluntarily residing with petitioner no. 1 for approximately three years.

16. In terms of the MoU dated 14th July 2026, this Court notes that the parties have amicably resolved their dispute and agreed to act in the best interests of the child of respondent no. 3 and petitioner no. 1.

17. Considering the fact that continuation of the proceedings would have an adverse effect on the married life of respondent no. 3 as well as the well-being of her child, this Court finds no impediment in allowing the present petition.

18. Accordingly, *FIR No. 250/2022* dated 30th April, 2022, registered at



2026:DHC:8688



PS Inder Puri, under Section 363 of the IPC, and all the consequential proceedings arising therefrom, are hereby quashed.

19. The parties will remain bound by the terms of the MoU dated 14th July, 2026.

20. The petition, along with the pending applications, is accordingly disposed of.

MINI PUSHKARNA, J

SEPTEMBER 30, 2026

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