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

% ***Date of Decision: 9th April, 2026***

+ CRL.M.C. 2394/2025

ROHIT KUMAR

.....Petitioner

Through: Mr. Abhinav Rathi, Ms. Sakshi Timar
and Mr. Manvendra Singh, Advocates
along with petitioner

versus

STATE(GOVT. OF NCT OF DELHI) & ANR.Respondent

Through: Ms. Priyanka Dalal, APP for State/R-1
with SI Sushil, PS Sarai Rohilla
Mr. Suraj Goliyan, Ms. Priyanka and
Mr. Harshit Tyagi, Advocate for R-2
along with R-2 in person

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. Petitioner herein seeks quashing of FIR No. 267/2023 dated 26.04.2023, registered at Police Station Sarai Rohilla for commission of offence under Sections 376(2)(n) IPC, along with all consequential proceedings arising therefrom, on the basis of compromise arrived at between the parties.

2. FIR in question was registered on 26.04.2023 on the basis of complaint made by respondent No. 2. She was pursuing law and was going to Mau, UP in a train when she met the petitioner. They exchanged their contact details and developed friendship. Thereafter, in the month of December, 2022, petitioner, as alleged, made physical relations with her, on the pretext of



marriage. However, petitioner, later on, informed her that he would marry a girl as per choice of his parents only, which prompted her to lodge the aforesaid FIR.

3. Charge-sheet has already been filed and charges have also been framed. Though four witnesses have been examined already, respondent No. 2 is yet to enter into witness box.

4. Respondent No. 2 is present in Court alongwith her counsel. Investigating officer is also present and she is duly identified by him.

5. The quashing is, primarily, being sought for the reasons that the matter has been amicably settled and the petitioner and respondent No.2 have already got married on 07.01.2026. Marriage certificate dated 07.01.2026 issued by '*Arya Samaj Vaishik Hindu Vivah Trust*' has been shown. Copy retained on record. Copy of the marriage certificate has also been handed over to investigating officer for record.

6. Keeping in mind the sensitivity of the matter, Court had interacted with the parties in the chamber.

7. When asked, respondent No. 2 stated that FIR was registered on account of some miscommunication and misunderstanding and they have already resolved their all differences and have married on 07.01.2026. She also reiterates the terms of settlement as recorded in one earlier settlement dated 10.02.2025 and states that, since, at the time of such settlement, she was pursuing her law, it was decided that they would enter into wedlock only after she was able to complete her studies. She reiterates that matter has been amicably settled and she is residing happily with her husband and in-laws at Nehru Nagar, Delhi. She states that she entered into the settlement voluntarily and with her own free will, without any coercion and influence



from any corner whatsoever.

8. As already noticed above, FIR was got registered by respondent No. 2 for the reason that petitioner had indicated that he would marry girl as per the choice of his family but, now, since there is marriage between petitioner and respondent No. 2, there does not seem to be any real purpose in continuing with the present criminal proceedings.

9. The power of the Court under Section 528 BNSS (corresponding Section 482 CrPC) extends to quashing offences which are settled amicably *albeit* non-compoundable in nature. However, such power is to be exercised with caution. Reference in this regard be made to *Narinder Singh & Ors. vs. State of Punjab & Anr.*, (2014) 6 SCC 466, wherein the Apex Court had observed that proceedings, even in non-compoundable cases, can be quashed on the basis of settlement provided that the Court is satisfied that there was no meaningful purpose in continuing with the proceedings, and that the scope of conviction was remote and bleak.

10. It will also be useful to make reference to one recent pronouncement of the Apex Court i.e. *Madhukar & Anr. vs. State of Maharashtra* 2025 SCC OnLine SC 1415. The abovesaid case also relates to offence under Section 376 IPC and, when an application was moved by the parties seeking quashing of the proceedings on the basis of settlement, such petition was dismissed by the jurisdictional High Court which compelled the parties to approach Hon'ble Supreme Court. The Apex Court, while quashing the proceedings, observed as under in para 6:-

“6. At the outset, we recognise that the offence under Section 376 IPC is undoubtedly of a grave and heinous nature. Ordinarily, quashing of proceedings involving such offences on the ground of settlement between the parties is discouraged and should not be permitted lightly. However, the power of the Court under Section



482 CrPC to secure the ends of justice is not constrained by a rigid formula and must be exercised with reference to the facts of each case.”

11. Reference be made to order dated 12.03.2024 passed by this court in *Abu Bakar v. The State NCT of Delhi & Anr.* in W.P.(CRL.) 782/2024, where in similar factual matrix where the prosecutrix had come up with allegation of her being sexually assaulted on the pretext of marriage and later got married to the accused, the proceedings were quashed observing that the consistent categorical stance of complainant was clear and that she did not want to pursue her FIR as she had amicably settled the matter and was living happily with her husband/accused. Reference was also made to judgments of this Court in *Parmanand Mishra & Anr. v. The State NCT of Delhi & Anr.*, CRL.M.C. 3076/2021, decided on 05.08.2022 and *Vikas Kumar & Ors. v. The State & Anr.*, CRL.M.C. 1054/2021, decided on 11.01.2022,
12. Herein also, the situation is similar and, in the given facts and keeping in mind the settlement arrived at between the parties, continuing with criminal proceedings would serve no real purpose, particularly when respondent no.2 is living happily with petitioner in her matrimonial home.
13. Accordingly, exercising inherent powers vested in this Court under Section 528 of *Bharatiya Nagarik Suraksha Sanhita, 2023*, and to secure the ends of justice, FIR No. 267/2023 dated 26.04.2023, registered at Police Station Sarai Rohilla for commission of offence under Sections 376(2)(n) IPC, along with all consequential proceedings arising therefrom, along with all consequential proceedings arising therefrom, is quashed. Original affidavit of respondent No. 2 has been handed over to investigating officer in the Court.



14. The petition stands disposed of in aforesaid terms.
15. The pending application also stands disposed of in aforesaid terms.

(MANOJ JAIN)
JUDGE

APRIL 09, 2026/dr/pb