



2026-DHC:1229



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
% *Date of Decision: 11th February, 2026*
+ CRL.M.C. 9338/2023
MOHD AMZAD AND ORS.

.....Petitioner

Through: Mr. Nagendra Kasana, Advocate.

versus

STATE OF DELHI AND ANR.

.....Respondent

Through: Mr. Sunil Kumar Gautam, APP for the
State with SI Akshay Dagar.
Respondent No.2 in person.**CORAM:****HON'BLE MR. JUSTICE MANOJ JAIN****JUDGMENT (oral)**

1. All the petitioners seeks quashing of FIR No. 206/2019, registered at Police Station Shaheen Bagh for commission of offence under Sections 376/506/34 IPC and Sections 4/6/21 of *Protection of Children from Sexual Offence (POCSO) Act, 2012*, along with all consequential proceedings arising therefrom on account of amicable settlement between them and respondent No.2.

2. The FIR was registered on the basis of the complaint lodged by respondent No.2 and, according to her, petitioner No.1 had made forcible physical relation with her and when she revealed the abovesaid act of the petitioner No.1 to her relatives, they initially told her that they would arrange marriage between them. According to respondent No.2, thereafter also, there were forcible physical relation by petitioner No.1 on subsequent occasions and since she expressed the complicity of his family members also, the FIR



was registered against Amzad as well as his four other relatives.

3. Charge-sheet has been filed and the charges have been ascertained. Petitioner no. 1 (Mohd. Amzad) has been charged with offences under Section 376/506 IPC and Section 6 POCSO, petitioner Nos. 2 and 3 (Mohd. Arif and Mushaida) have been charged with offences under Sections 506 and Section 21 of POCSO and remaining two accused i.e. petitioner Nos. 4 and 5 (Abuzar and Muddassir), under Sections 506/34 IPC.

4. Prosecutrix i.e. respondent No.2 is yet to enter into witness box.

5. The quashing is, primarily, sought for the reason that petitioner and respondent No.2 have already got married on 11.12.2019.

6. The abovesaid fact was highlighted again on 08.01.2026 and the Investigating Officer was directed to verify the abovesaid factum of marriage.

7. The status report has now been submitted by the learned APP for the State and as per the status report, the marriage between petitioner No.1 and respondent No.2 has been duly verified. The status report is hereby taken on record.

8. The I.O. contacted the chief *Qazi* of the concerned *madarsa* and also the witnesses to the abovesaid marriage and recorded their statements also.

9. I.O. is present in Court and submits that the factum of marriage has been duly verified and, as per the verification report, the parties got married on 11.12.2019.

10. Respondent No.2 is present in person in Court and has been identified by her counsel as well as I.O.

11. On the basis of specific query put to her, she also reiterated that she has married petitioner No.1- Amzad and, since she is living happily with her husband and other family members, she does not want to pursue the present



FIR as she apprehends that continuing with the present criminal case would hamper her matrimonial life.

12. Her affidavit to the abovesaid effect is also on record.

13. The power of the Court under Section 528 BNSS (corresponding Section 482 CrPC) extends to quashing offences which are non-compoundable on grounds of settlement between victim/complainant and accused, however, such power is to be exercised with caution. Reference in this regard is 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.

14. 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 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.”

15. Resultantly, in the abovesaid case, while taking note of the submission



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of the victim wherein she had submitted that she had settled in her personal life and continuing with the criminal proceedings would only disturb her peace and stability, finding complete consistency in her such stance, and noticing the fact that the continuation of the trial would not serve any meaningful purpose and would rather prolong distress for all concerned, especially the complainant, and the burden of the Courts, without the likelihood of a productive outcome, the appeals were allowed and the criminal proceedings were quashed.

16. 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 marriage has taken place six years back and complainant is living happily with petitioners.

17. Accordingly, exercising inherent powers vested in this Court under Section 528 of the BNSS, it is deemed appropriate to quash the instant FIR No. 206/2019, registered at Police Station Shaheen Bagh for commission of offence under Sections 376/506/34 IPC and Sections 4/6/21 of Protection of Children from Sexual Offence Act, 2012, along with all consequential proceedings emanating therefrom, is hereby, quashed.

18. The petition stands disposed of in aforesaid terms.

**(MANOJ JAIN)
JUDGE**

FEBRUARY 11, 2026/ss/pb