

Pawan Kumar vs the State Nct of Delhi and Anr

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Court : Delhi

Decided On : Jan-28-2026

Judge : Hon'Ble Mr. Justice Prateek Jalan

Appeal No. : CRL.M.C./707/2026

Appellant : Pawan Kumar

Respondent : The State Nct of Delhi and Anr

Advocate for Def. : Mr. Hitesh Vali, Mr. Sarthak Karol, Mr. Pradeep Kumar Prajapati, Ms. Rakhi

Advocate for Pet/Ap. : Mr. A.K. Verma

Judgement :

\$~130 * IN THE HIGH COURT OF DELHI AT NEW DELHI + CRL.M.C. 707/2026
PAWAN KUMARPetitioner Through: Mr. A.K. Verma, Advocate, alongwith
Petitioner in Person.

versus

THE STATE NCT OF DELHI AND ANRRespondent Through: Mr. Hitesh Vali,
APP for State with SI Priyanshi, P.S. Farsh Bazar. Mr. Sarthak Karol, Standing
Counsel (DHCLSC) for R-2. Mr. Pradeep Kumar Prajapati & Ms. Rakhi, Advocates
for R-2. CORAM: HONBLE MR. JUSTICE PRATEEK JALAN ORDER %

28.01.2026 CRL.M.A. 2826/2026 (exemption) Exemption allowed, subject to all just exceptions. The application stands disposed of. CRL.M.C. 707/2026 1. The petitioner has approached this Court for quashing of FIR No. 176/2021 dated 06.04.2021 under Sections 354A/509 of the Indian Penal Code, 1860, [IPC] registered at Police Station Farash Bazar, District Shahdara, Delhi, alongwith all proceedings emanating therefrom, on the ground of settlement. 2. Issue notice. Mr. Hitesh Vali, learned Additional Public

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This is a digitally signed order. The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 31/01/2026 at 14:01:59 Prosecutor, accepts notice on behalf of the State. Mr. Pradeep Kumar Prajapati, learned counsel, accepts notice on behalf of respondent No. 2. 3. The FIR was registered at the instance of respondent No. 2. It was stated therein that she was a student of accounting in an establishment where the petitioner was employed. The accusation concerns lewd conduct and obscene gestures in her presence. Upon completion of the investigation, a chargesheet was filed, and the trial is pending before the Court of the Judicial Magistrate First Class (Mahila Court), District Shahdara, Karkardooma Courts, Delhi [in CR Case No. 4030/2021], and is next listed on 07.04.2026 for prosecution evidence. 4. Mr. A.K. Verma, learned counsel for the petitioner, submits that by a Settlement Deed dated 27.12.2025, the parties have settled the matter and agreed not to pursue the present criminal proceedings. He therefore seeks quashing of the subject FIR. 5. The petitioner and respondent No. 2 are both present in Court and are identified by their respective counsel and the Investigating Officer. At my request, Mr. Sarthak Karol, learned Standing Counsel for the Delhi High Court Legal Services Committee, who is present in Court, has also interacted with respondent No. 2. Mr. Prajapati and Mr. Karol submit that the settlement has been entered into voluntarily and that respondent No. 2 has expressed a desire to move forward with her personal and professional life. The terms of settlement also specifically record that the subject FIR was registered due to a misunderstanding and that the parties wish to live peacefully without any dispute between them. 6. Although the offence under

Section 354A of the IPC is non- compoundable, the Supreme Court has clearly held that, in certain

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This is a digitally signed order. The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 31/01/2026 at 14:01:59 circumstances, the High Courts, in exercise of their powers under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (corresponding to Section 482 of the Code of Criminal Procedure, 1973), can quash criminal proceedings, even with respect to non-compoundable offences, on the ground that there is a compromise between the accused and the complainant, especially when no overarching public interest is adversely affected. 7. The Supreme Court, in *Gian Singh v. State of Punjab & Anr.*¹ has held as follows: 58. Where the High Court quashes a criminal proceeding having regard to the fact that the dispute between the offender and the victim has been settled although the offences are not compoundable, it does so as in its opinion, continuation of criminal proceedings will be an exercise in futility and justice in the case demands that the dispute between the parties is put to an end and peace is restored; securing the ends of justice being the ultimate guiding factor. No doubt, crimes are acts which have harmful effect on the public and consist in wrongdoing that seriously endangers and threatens the well-being of the society and it is not safe to leave the crime-doer only because he and the victim have settled the dispute amicably or that the victim has been paid compensation, yet certain crimes have been made compoundable in law, with or without the permission of the court. In respect of serious offences like murder, rape, dacoity, etc., or other offences of mental depravity under IPC or offences of moral turpitude under special statutes, like the Prevention of Corruption Act or the offences committed by public servants while working in that capacity, the settlement between the offender and the victim can have no legal sanction at all. However, certain offences which overwhelmingly and predominantly bear civil flavour having arisen out of civil, mercantile, commercial, financial, partnership or such like transactions or the offences arising out of matrimony, particularly relating to dowry, etc. or the family dispute, where the wrong is basically to the victim and the

offender and the victim have settled all disputes between them amicably, irrespective of the fact that such offences have not been made compoundable, the High Court may within the framework of its inherent power, quash the criminal proceeding or criminal complaint or FIR if it is satisfied that

1 (2012) 10 SCC 303.

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Further, in *Narinder Singh & Ors. v. State of Punjab & Anr.*³, the Supreme Court has also laid down guidelines for High Courts while accepting settlement deeds between parties and quashing the proceedings. The relevant observations in the said decision read as under: 29. In view of the aforesaid discussion, we sum up and lay down the following principles by which the High Court would be guided in giving adequate treatment to the settlement between the parties and exercising its power under Section 482 of the Code while accepting the settlement and quashing the proceedings or refusing to accept the settlement with direction to continue with the criminal proceedings:

29.1. Power conferred under Section 482 of the Code is to be distinguished from the power which lies in the Court to compound the offences under Section 320 of the Code. No doubt, under Section 482 of the Code, the High Court has inherent power to quash the criminal proceedings even in those cases which are not compoundable, where the parties have settled the matter between themselves. However, this power is to be exercised sparingly and with caution.

29.2. When the parties have reached the settlement and on that basis petition for quashing the criminal proceedings is filed, the guiding factor in such cases would be to secure: (i) ends of justice, or (ii) to prevent abuse of the process of any court.

While exercising the power the High Court is to form an opinion on either of the aforesaid two objectives.

29.3. Such a power is not to be exercised in those prosecutions which involve heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. Such offences are not private in nature and have a serious impact on society. Similarly, for the offences alleged to

2 Emphasis supplied. 3 (2014) 6 SCC 466.

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This is a digitally signed order. The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 31/01/2026 at 14:01:59 have been committed under special statute like the Prevention of Corruption Act or the offences committed by public servants while working in that capacity are not to be quashed merely on the basis of compromise between the victim and the offender.

29.4. On the other hand, those criminal cases having overwhelmingly and predominantly civil character, particularly those arising out of commercial transactions or arising out of matrimonial relationship or family disputes should be quashed when the parties have resolved their entire disputes among themselves.

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.⁴

8. Although charges have been framed in the criminal proceedings, the testimony of the prosecutrix has not yet been recorded. The matter, according to the Settlement Deed, arose out of a misunderstanding, when respondent No. 2 was

26 years old. She has expressed a desire to put this episode behind her and to concentrate on her professional and personal life; and specifically states that she does not wish to prolong the matter. In these circumstances and applying the aforesaid observations of the Supreme Court, the criminal proceedings are unlikely to result in conviction, and their continuation would be an empty formality, adding to the burden of the justice system and unnecessarily consuming public resources. 9. While exercising inherent powers in the peculiar facts of this case, and particularly in view of the aforesaid statement of respondent No. 2, I accept the suggestion of Mr. Vali that this is a fit case for directing the

4 Emphasis supplied.

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PRATEEK JALAN, J JANUARY 28, 2026 pv/JM/

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