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

Date of Decision: 27th May, 2025

+ CRL.M.C. 3406/2025 & CRL.M.A. 15026-15027/2025

ZIHAD AHMED

.....Petitioner

Through: Mr. Naresh, Advocate with Petitioner
in person

versus

STATE NCT OF DELHI AND ANR

.....Respondents

Through: Mr. Amit Ahlawat, APP for the State

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

JUDGMENT

SANJEEV NARULA, J. (Oral):

1. The present petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (earlier Section 482 of the Code of Criminal Procedure, 1973²) seeks quashing of FIR No. 182/2019, registered at P.S. Darya Ganj under Sections 354/354C/506/509/384/34 of the Indian Penal Code, 1860³ and Section 12 of the Protection of Children from Sexual Offences Act, 2012,⁴ and all proceedings emanating therefrom.

2. The case of the Prosecution, emerging from the chargesheet, leading to the filing of the present petition is summarised as follows:

¹ "BNSS"

² "Cr.P.C."

³ "IPC"



2.1 The Complainant completed her schooling from a school at Daryaganj. In August 2016, she became acquainted with the Petitioner, a senior student from the same school. The two began interacting *via* text and social media platforms, which gradually evolved into a personal relationship.

2.2 In March 2017, the Petitioner allegedly began requesting the Complainant to share her private photographs. Despite her initial reluctance, the Petitioner purportedly insisted that such exchanges were common in romantic relationships. Succumbing to his repeated demands, the Complainant ultimately shared approximately four private photographs with him *via* Instagram.

2.3 Two months later, in May 2017, following a disagreement, the Complainant and the Petitioner ceased communication. Upon requesting deletion of the aforementioned photographs, the Petitioner assured her that the same had been erased. The Complainant, trusting his assurance, deleted the images and their chat history from her own device as well.

2.4 On 18th February, 2018, the Petitioner contacted the Complainant *via* Snapchat, demanding ₹6,000. Upon her refusal, he forwarded her private photographs back to her and threatened to circulate them online, unless payment was made. Under pressure, the Complainant transferred the demanded amount. The Petitioner also confronted her near the school premises and repeated the threat. Thereafter, the Complainant made several payments to him under the same duress.

2.5 In April 2018, one “A”, a Child in Conflict with Law, who was a friend of the Petitioner and also a student of the same school, approached the

⁴ “POCSO”



Complainant with similar demands. When she sought clarification, the CCL reportedly sent her one of the same private photographs and threatened to publicly upload the images if his demand was not met. Out of fear, the Complainant transferred money to the CCL on several occasions.

2.6 On one such occasion, fearing further threats, the Complainant even handed over her bank passbook to the CCL. Despite this, the extortion allegedly continued. On 17th April, 2018, the CCL allegedly hacked into the Complainant's Instagram account and uploaded her private images. The Complainant promptly deleted the posts upon discovery. Persisting threats and financial demands left her increasingly distressed. Eventually, her mother came across a message from the CCL on her phone, prompting the Complainant to disclose the entire sequence of events on 21st August, 2019. The present FIR was registered, and thereafter, chargesheet was filed. Since then, charges have been framed, and the Complainant's statement has been partly recorded.

3. At this stage, with the intervention of respectable members of society, the parties have amicably resolved their disputes. Respondent No. 2 has decided not to pursue the present FIR against the Petitioner. In furtherance of this resolution, a Settlement Deed dated 6th May, 2025, has been executed between the Petitioner and Respondent No. 2.

4. A copy of the Settlement Deed has been placed on record and perused by the Court. As per its terms, Respondent No. 2 has voluntarily resolved all her disputes with the Petitioner and has agreed to give no-objection to the quashing of the subject FIR. It is specifically recorded that she has neither received any monetary compensation from the Petitioner, nor intends to claim any.



5. During the course of these proceedings, the statement of Respondent No. 2 was recorded before the Joint Registrar of this Court on 15th May, 2025. In her statement, she confirmed that the settlement was entered into voluntarily, and without any pressure, coercion, or undue influence. She further affirmed that she has resolved all her disputes with the Petitioner of her own volition and has executed the Settlement Deed accordingly.

6. The Complainant appears through video conferencing, accompanied by her mother, and was duly identified by her counsel and the IO. She reiterates her statement recorded before the Joint Registrar and gives her unequivocal consent to the quashing of the impugned FIR.

7. The allegations in the FIR are undoubtedly serious, involving the harassment of a minor girl, through exploitation. The facts narrated disclose a pattern emblematic of the darker undercurrents of the social media age, where technology is misused to exert control, induce fear, and compromise dignity. Considering this, at the outset, the Court was not inclined to quash the FIR in a perfunctory manner. However, after a detailed and careful interaction with the Complainant and her mother, it emerged that they have consciously chosen to move on from the incident. They expressed that the Complainant is currently exploring matrimonial prospects, and that the pendency of a criminal case may result as a serious impediment to her future opportunities and personal relationships. Her mother specifically submitted that ongoing criminal proceedings of this nature are likely to create social stigma and could undermine the family's efforts to secure a suitable match for the Complainant.

8. The Court has carefully considered the submissions advanced by the parties. It is true that while offences under Sections 354, 354C, 384 of the



IPC and Section 12 of the POCSO Act are classified as non-compoundable, those under Sections 506 and 509 IPC are compoundable with the permission of the Court, being offences affecting an identifiable individual. Ordinarily, allegations of this nature, particularly those involving the sexual harassment of a minor, would not merit quashing. However, the law is equally cognizant of the victim's right to privacy, dignity, and closure. In appropriate cases, the Court, while exercising its inherent powers under Section 528 of the BNSS (earlier Section 482 CrPC), may quash proceedings involving non-compoundable offences where the parties have voluntarily and meaningfully settled the dispute, and where the continuation of the prosecution would serve no useful purpose and would instead prolong trauma. In the present case, bearing in mind the overarching aim of facilitating rehabilitation and the Complainant's express wish to put the matter behind her, the Court is of the view that no larger public interest would be compromised by allowing the petition.

9. The Supreme Court in *Gian Singh v. State of Punjab & Anr.*⁵ has held as follows:

"11. As discussed above, offence punishable under Section 186/332/353 of the IPC are non-compoundable being of serious nature, however, if the Court feels that continuation of criminal proceedings will be an exercise in futility and justice in this case demands that the dispute between the parties is put to an end and peace is restored, it can order for quashing of the FIR or criminal proceedings as it is the duty of the Court to prevent continuation of unnecessary judicial process.

12. In view of the law discussed above, considering the Settlement arrived at between the parties and the statements of respondent no.1 & 2, I am of the considered opinion that this matter deserves to be given a quietus as continuance of proceedings arising out of the FIR in question would be an exercise in futility."

⁵ (2012) 10 SCC 303



[Emphasis added]

10. Further, in *Narinder Singh & Ors. v. State of Punjab & Anr.*,⁶ the Supreme Court held as follows:

“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 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

⁶ (2014) 6 SCC 466



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]

11. It must also be emphasized that the decision of the Court to quash the FIR is solely out of deference to the express wishes of the Complainant and in the interest of her privacy. However, the Court must record its disapproval of the conduct attributed to the Petitioner. The allegations pertain to a deeply troubling pattern of coercion and intimidation directed at a school-going minor, including threats to publicly disseminate her private photographs in exchange for money. Such behaviour, if true, reflects a gross misuse of digital platforms and an alarming disregard for consent and personal dignity. Nevertheless, the Complainant has unequivocally expressed her desire to move on from this chapter, and has articulated social and emotional burden that the continued pendency of this criminal case may place upon her, particularly in the context of her future prospects, including marriage. Thus, the peculiar facts of the case warrant exercise of this Court's jurisdiction under Section 528 of the BNSS (earlier Section 482 CrPC), in order to secure the ends of justice with certain conditions.

12. Upon a pointed query by the Court as to whether the Petitioner continues to retain any backup of the private photographs in question, the Petitioner categorically assured the Court that he does not possess any such images. The aforesaid statement is taken on record, and the Petitioner shall remain bound by the same.

13. In view of the foregoing, the present petition is disposed of with the following directions:

13.1 FIR No. 182/2019, P.S. Darya Ganj, is quashed. The Petitioner shall



remain bound by the terms of the settlement as well as the undertaking furnished before this Court. In the event that the aforementioned photographs resurface in any form or medium, the Complainant shall be at liberty to seek revival of the FIR and pursue such remedies as available in law.

13.2 The Petitioner shall not, directly or indirectly, establish any form of contact, whether personal, electronic, or otherwise, with the Complainant or her family.

13.3 Having regard to the nature of allegations, this Court finds it appropriate to direct the Petitioner to undertake community service as a measure of accountability and reflection. The Petitioner is accordingly directed to perform one month of community service at Lok Nayak Jai Prakash Narayan Hospital for a period of one month, i.e., from 1st June, 2025 to 30th June, 2025. The Petitioner shall report to the Medical Superintendent of Lok Nayak Jai Prakash Narayan Hospital on 1st June, 2025 for instructions and assignment of duties. Upon completion of the said period, a certificate confirming the completion of community service shall be issued by the Medical Superintendent and the same shall be filed with the Registry. In the event of any absenteeism, default, or misconduct on the part of the Petitioner during the course of the community service, the same shall be immediately reported by the Medical Superintendent to the concerned SHO, who shall, in turn, inform the APP for placing the matter before this Court and seeking appropriate orders, including revival of the FIR.

13.4 Additionally the Court finds it appropriate to impose cost of ₹50,000/- on the Petitioner. The said amount shall be deposited towards '*Army Welfare Fund Battle Casualties*', and a copy of the receipt shall be placed on record



with the Registry within a period of three weeks from today.

14. The Petitioner shall be bound down to the conditions specified above.

15. With the above directions, the petition is disposed of along with pending application(s).

16. Copy of the order be sent to the Medical Superintendent of Lok Nayak Jai Prakash Narayan Hospital and the Trial Court for necessary information and compliance.

SANJEEV NARULA, J

MAY 27, 2025/ab