



\$~46

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

+ **W.P.(CRL) 1835/2023**

HIMANSHU BAGAI

.....Petitioner

Through: *Appearance not given.*

versus

STATE AND ANR.

.....Respondents

Through: Mr. Rahul Tyagi, ASC (Crl.) with Mr. Mathew M. Philip, Mr. Sangeet Sibou and Mr. Aniket Kumar Singh, Advocates for State.
SI Sumeet Ponia, P.S. Vivek Vihar.
Mr. Anubhav Dubey, Mr. Sachidanand Chaudhary, Mr. Kamendra Singh, Mr. Sparsh Gola and Mr. Yash Narayan Trivedi, Advocates for R-2.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

29.04.2025

%

1. The present petition filed under Article 226 of the Constitution of India, 1950 read with Section 482 of the Code of Criminal Procedure, 1973¹ seeks quashing of FIR No. 0540/2018 registered under Section 408 of the Indian Penal Code, 1860² at P.S. Vivek Vihar, Delhi and all other proceedings emanating therefrom.

2. The request for quashing of the FIR is made in light of the amicable

¹ "Cr.P.C."

² "IPC"

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 01/05/2025 at 16:21:49



settlement reached between the Petitioner and Black Cat Securitas & Allied Services (of which Respondent No. 2/ the Complainant is the proprietor), as evidenced by Memorandum of Understanding dated 6th March, 2023.

3. Briefly, the Complainant's case is that the Petitioner was employed as an accountant in his company, Black Cat Securitas & Allied Services, effective from 1st October 2014, with a monthly remuneration of INR 15,000/-. The Petitioner's duties included handling day-to-day banking tasks such as transferring monthly salaries via ECS from the Company's current account, making cash withdrawals when required, arranging Demand Drafts, Bank Guarantees and Fixed Deposits, as well as managing daily petty cash entries and monthly bank reconciliations. However, upon scrutinizing the account for the financial year 2016-17, it was discovered that the Petitioner had misappropriated certain cheques issued to him for the transfer of employee salaries by unlawfully transferring INR 2,15,788/- and INR 1,50,000/- into his personal savings account. The Complainant alleged that the Company had no obligation to pay the Petitioner either of these amounts, and that the Petitioner intentionally committed these acts. This led to the registration of the impugned FIR.

4. The Petitioner states that with the intervention of common friends and well-wishers, the parties have amicably resolved the dispute, and that Respondent No. 2 has decided not to pursue the present FIR against the Petitioners.

5. Counsel for the Petitioner submits that the disputes between the Petitioner and Respondent No. 2 have been resolved, and in this regard, an MoU was executed between the parties on 6th March, 2023. As per the terms of the MoU, the Petitioner has made full payment to Respondent No. 2 in

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 01/05/2025 at 16:21:49



the following instalments:

Dated	Cheque No.	Name of Bank	Amount
02/08/2021	305354	S.B.1. Anand Vihar	65,788.00
10/11/2021	305361	---do---	50,000.00
10/02/2022	575326	P.N.B. Vivek Vihar	50,000.00
10/05/2022	575327	---do---	50,000.00
10/08/2022	575328	---do---	50,000.00
10/11/2022	575329	---do---	50,000.00
10/02/2023	575331	---do---	50,000.00

6. Since Respondent No. 2 was not appearing, the Court, by order dated 17th April, 2025, directed the Investigating Officer to serve notice upon Respondent No. 2. In compliance with this order, Mr. Sachidanand Chaudhary, counsel for Respondent No. 2, has appeared and confirmed the amicable settlement between the parties, along with the receipt of the payment. Mr. Chaudhary, acting on instructions, further states that Respondent No. 2 has no objection to the quashing of the FIR.

7. It is pertinent to note that the offence under Section 408 of the IPC is compoundable, albeit with the permission of the Court, and only at the instance of the aggrieved parties. However, that does not debar the High Court from resorting to its inherent power under Section 482 of the Cr.P.C. and pass an appropriate order so as to secure the ends of justice.

8. Having regard to the nature of the dispute and the fact that the aggrieved parties have amicably settled the matter, this Court is of the view that continuation of the criminal proceedings would serve no useful purpose. In the circumstances, this is a fit case for exercise of jurisdiction under Section 482 of the Cr.P.C., as the continuance of proceedings would amount

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 01/05/2025 at 16:21:49



to an abuse of the process of law and impede the ends of justice.

9. In view of the foregoing, the present petition is allowed and FIR No. 540/2018 under Section 408 IPC, registered at P.S. Vivek Vihar, as well as all consequential proceedings arising therefrom are hereby quashed.

10. The present petition is allowed in the aforesaid terms.

SANJEEV NARULA, J

APRIL 29, 2025

as

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 01/05/2025 at 16:21:49