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

\+ CRL.M.C. 2091/2026

MALKHAN SINGH .....Petitioner

Through: Mr. Sunil Kumar, Advocate.

versus

STATE OF NCT OF DELHI AND ANR .....Respondent

Through: Mr. Hitesh Vali, APP for State.
SI Niraj, PS Mundka
Mr. Siddhant Nath, Mr. Bhamishya Makhija & Mr. Amaan Khan, Advocates for R-2.

CORAM:
HON'BLE MR. JUSTICE PRATEEK JALAN

O R D E R

% 20.03.2026

1. The petitioner has filed this petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ["BNSS"] (corresponding to Section 482 of the Code of Criminal Procedure, 1973 ["CrPC"]) seeking quashing of FIR No. 355/2022 dated 21.02.2022, registered at Police Station Mundka, Outer District, under Section 135 of the Electricity Act, 2003 and all proceedings emanating therefrom, on the ground of settlement.

2. Issue notice. Mr. Hitesh Vali, learned Additional Public Prosecutor, accepts notice on behalf of the State. Mr. Siddhant Nath, learned counsel, accepts notice on behalf of respondent No. 2.

3. The petition is taken up for disposal with the consent of learned counsel for the parties.

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4. It is the prosecution's case that on 13.10.2021, a joint inspection team of respondent No. 2, i.e., BSES Rajdhani Power Ltd. ["BSES"], conducted an inspection at the premises of the petitioner situated at Village Bakkarwala, Delhi, and alleged that the petitioner was indulging in direct theft of electricity. Consequently, an assessment bill of Rs. 4,93,180/- was raised, and thereafter, the present FIR came to be registered on 21.02.2022. Upon completion of investigation, chargesheet has been filed in March 2022 and the matter is pending before the Sessions Court.

5. The dispute between the parties is essentially of a civil nature arising out of an electricity assessment. Learned counsel for the parties submit that the dispute has now been amicably settled between the parties before the Lok Adalat. Pursuant to the settlement, the petitioner has paid a sum of Rs. 1,23,300/- on 28.03.2025, which has been duly accepted by respondent No. 2, and a "No Dues Certificate" has been issued in favour of the petitioner. The petitioner therefore seeks quashing of the FIR and consequential proceedings.

6. The petitioner is present in Court, and is identified by his learned counsel, as well as by the Investigating Officer ["IO"]. An Authorised Officer of respondent No. 2-BSES is also present in person and is identified by Mr. Nath and the IO.

7. Although Section 135 of the Electricity Act, 2003, is a compoundable offence, Mr. Sunil Kumar, learned counsel for the petitioner, submits that the petitioner does not wish to compound the offence but seeks quashing of proceedings in their entirety. Mr. Nath, appearing for respondent No. 2, confirms the issuance of the No Dues

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Certificate. It is submitted that the entire liability stands satisfied. Mr. Nath further states that respondent No. 2 has no objection if the present FIR and consequential criminal proceedings are quashed.

8. Learned counsel for the parties confirm that the settlement has been entered into voluntarily and without any coercion or undue pressure

9. The Supreme Court has clearly held that, in certain circumstances, the High Courts, in exercise of their powers under Section 528 of BNSS (corresponding to Section 482 of CrPC), can quash criminal proceedings, on the ground that there is a compromise between the accused and the complainant, especially when no overarching public interest is adversely affected.

10. 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,*

[1] (2012) 10 SCC 303.

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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 on the face of such settlement, there is hardly any likelihood of the offender being convicted and by not quashing the criminal proceedings, justice shall be casualty and ends of justice shall be defeated.*** *The above list is illustrative and not exhaustive. Each case will depend on its own facts and no hard-and-fast category can be prescribed.*"[2]

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.

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

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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 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]

11. The offences alleged in the present FIR arise out of an assessment of alleged electricity theft by respondent No. 2, and are essentially rooted in a commercial/financial liability between the parties. The dispute, though clothed with criminal proceedings under Section 135 of the Electricity Act, is predominantly civil in nature, as it pertains to the recovery of assessed dues. In fact, the legislature has also made the offence compoundable. It is not a case involving heinous offence or any element of public interest at large. Notably, the parties have amicably resolved their disputes, the petitioner has paid the settled amount, and respondent No. 2 has issued a "No Dues Certificate" and has affirmed before this Court that it has no objection to the quashing of the present

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FIR. In view of the settlement and the conduct of the parties, the possibility of conviction is remote and bleak. Continuation of the criminal proceedings, therefore, would serve no useful purpose and would only result in unnecessary prolongation of litigation, thereby burdening the judicial system and leading to wastage of valuable judicial time and public resources.

12. Having regard to the above discussion, the petition is allowed, and FIR No. 355/2022 dated 21.02.2022, registered at Police Station Mundka, Outer District, under Section 135 of the Electricity Act, 2003 alongwith all consequential proceedings arising therefrom, is hereby quashed, subject to deposit of costs of Rs.20,000/- by the petitioner with the Delhi High Court Bar Association Costs Account [A/c No. 15530110179338; IFSC No. UCBA0001553; UCO Bank, Delhi High Court Branch] within a period of two weeks. A compliance affidavit be filed within two weeks thereafter.

13. The petition accordingly stands disposed of.

PRATEEK JALAN, J

MARCH 20, 2026/‘*pv/JM’/*

[4] Emphasis supplied.

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