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

+ CRL.M.C. 3511/2026, CRL.M.A. 14224/2026

DEVENDER NATH @ DEEPAK MISHRAPetitioner

Through: Mr. Durgesh K. Pandey, Ms.
Ritika, Mr. Karan Dhingra, Mr.
Neetej Kumar, Advs.

versus

STATE (NCT OF DELHI) & ANR.Respondent

Through: Mr. Hitesh Vali, APP
Mr. Vinay Jaidka Advocate for R2
with respondent no.2 in person
SI Sandeep Bishnoi, PS Mayapuri

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **06.05.2026**

1. The petitioner has filed the present 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. 134//2022 dated 30.05.2022, registered at e-Police Station Mayapuri, District West, Delhi, under Sections 408/411 of the Indian Penal Code, 1860 ["IPC"], alongwith all consequential 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. Vinay Jaidka, learned counsel, accepts notice on behalf of respondent No. 2 – complainant.
3. The parties are present in Court, and are identified by their



respective learned counsel and the Investigating Officer [“IO”].

4. The petition is taken up for disposal with the consent of the parties.
5. The impugned FIR was registered at the instance of respondent No. 2, who alleged that on 10.05.2022, he had handed over a sum of Rs. 6,00,000/- to the petitioner, who was working as an employee/associate in his office, for the purpose of depositing the same in the bank. It is further alleged that the petitioner falsely informed him that the amount had been deposited, however, the said amount was not reflected in the respondent No. 2’s bank account. Upon discovering this, respondent No. 2 attempted to contact the petitioner, but his phone was found to be switched off.
6. Upon completion of the investigation, a chargesheet was filed against the petitioner under Sections 408 and 411 of the IPC.
7. During the pendency of the proceedings, the parties have settled their disputes, as recorded in a settlement dated 26.05.2025, under the aegis of the Delhi Mediation Centre, Tis Hazari Courts, Delhi.
8. Learned counsel for the parties confirm that the settlement has been entered into voluntarily and without any coercion or undue pressure.
9. Mr. Jaidka states that the allegations arose out of a misunderstanding, and that respondent No. 2 does not wish to press the criminal proceedings.
10. In light of the aforesaid, parties seek quashing of the impugned FIR.
11. It is well settled that the High Court, in exercise of its inherent jurisdiction under Section 528 of the BNSS [corresponding to Section 482 of the CrPC], is empowered to quash criminal proceedings even in respect of non-compoundable offences, where the parties have amicably



settled their dispute and where the quashing of such proceedings does not impinge upon any overriding public interest. Reference in this connection can be made to the judgment in *Gian Singh v. State of Punjab and Anr.* [(2012) 10 SCC 303], which 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 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.”

[Emphasis supplied.]

Further, in *Narinder Singh and Ors. v. State of Punjab and Anr.* [(2014) 6



SCC 466], 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 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.”

[Emphasis supplied.]



9. The criminal proceedings in the present case arise out of an employer-employee relationship. The parties have amicably resolved all their *inter se* disputes, and respondent No. 2 has categorically affirmed before this Court that the settlement has been entered into voluntarily. In view of the aforesaid, the likelihood of conviction is remote, and the continuation of the criminal proceedings in such circumstances would be an exercise in futility, serving no useful purpose and resulting only in unnecessary consumption of judicial time and public resources.

10. The settlement contemplates a payment of Rs. 150,000/- to respondent No. 2, which already stands paid to him. There is therefore no impediment in granting the relief sought.

11. Having regard to the aforesaid discussion, the petition is allowed, and FIR No. 134/2022, dated 30.05.2022, registered at e-Police Station Mayapuri, District West, Delhi, under Sections 408/411 of the IPC, alongwith all consequential proceedings arising therefrom, is hereby quashed.

12. The parties shall remain bound by the terms of the settlement.

13. The petition is disposed of in terms of the above.

PRATEEK JALAN, J

MAY 6, 2026

Tg/AD/