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

\# **CNR No. DLHC010471342026**

\+ CRL.M.C. 7348/2026 & CRL.M.A. 30728/2026

MOHD SIKANDER KHAN & ORS. .....Petitioners

Through: Mr. Shafiq Khan and Ms. Anjani Suri, Advocates.

versus

STATE NCT OF DELHI & ANR. .....Respondents

Through: Mr. Yudhvir Singh Chauhan, APP for State with Mr. Narendra Kumar, Advocate.
S.I. S. Poonia, P.S. Vivek Vihar.
Mr. Vishal Chaudhary, Advocate for R-2.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

O R D E R

% 28.10.2026

1. This petition under Article 227 of the Constitution of India read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023[1] seeks quashing of FIR No. 312/2026 dated 14th July, 2026,[2] registered at P.S. Vivek Vihar, Delhi under Sections 309(4)/311/3(5)/316(4)/306/217/317(2) of the Bhartiya Nyaya Sanhita, 2023[3] and all consequential proceedings emanating therefrom.

2. The impugned FIR arises from allegations that Petitioner No. 1,

[1] "BNSS"
[2] "impugned FIR"
[3] "BNS"

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Mohd. Sikander Khan, who was employed as a cash collection agent under Respondent No. 2, falsely reported that he had been robbed of approximately INR 30 lakh by unidentified persons. During investigation, it allegedly emerged that the robbery had been staged by Petitioner No. 1 in conspiracy with the other Petitioners to misappropriate the cash entrusted to him. The investigation has since been completed and a chargesheet has been filed before the Trial Court.

3. The parties state that, with the intervention of common friends and elders, they have amicably resolved their disputes and executed a Settlement Deed dated 19th September, 2026, copy whereof has been placed on record. Under the settlement, Petitioner No. 1 has agreed to pay INR 16 lakh to Respondent No. 2 towards full and final settlement of his claims arising from the impugned FIR. The parties further state that the settlement has been arrived at voluntarily, of their own free will and without any force, pressure or coercion.

4. The Complainant/Respondent No. 2, appearing through video conferencing and duly identified by the IO, confirms receipt of the entire settlement amount and states that he does not wish to pursue the proceedings arising from the impugned FIR. He further confirms that the settlement is voluntary and without any pressure or coercion. The Petitioners have also appeared in person and have been duly identified by the IO. In view of the settlement, they seek quashing of the impugned FIR and all consequential proceedings.

5. The Court has considered the submissions of the parties. While the offences under Sections 309(4), 311 and 217 of the BNS are non-compoundable, the offences under Sections 306, 316(4) and 317(2) of the

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BNS are compoundable in certain cases.

6. It is well settled that the power of the High Court under Section 482 of the Code of Criminal Procedure, 1973 [corresponding to Section 528 BNSS] to quash criminal proceedings is distinct from the power of compounding under Section 320 CrPC. This power may be exercised even in cases involving non-compoundable offences where the parties have settled the matter. However, the power is to be exercised sparingly and with caution. The guiding considerations are whether such exercise would secure the ends of justice or prevent abuse of the process of the Court. While exercising this power, the Court must have due regard to the nature and gravity of the offence and the circumstances of the case. In ***Narinder Singh & Ors. v. State of Punjab & Anr.***[4], the Supreme Court has reiterated these principles and held that, in appropriate cases, the Court may quash the proceedings where, having regard to the settlement, the possibility of conviction is remote and bleak and continuation of the criminal proceedings would serve no useful purpose.

7. The allegations in the present case are serious. Petitioner No. 1, who was entrusted with the collection of cash in the course of his employment, is alleged to have falsely reported an armed robbery to conceal the misappropriation of approximately INR 30 lakh. The allegations, therefore, extend beyond a private monetary dispute, particularly since the police machinery was set in motion on the basis of an allegedly fabricated incident. These circumstances cannot be overlooked merely because the parties have subsequently settled their dispute.

8. At the same time, Respondent No. 2 has accepted INR 16 lakh

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towards full and final settlement of his claims and has unequivocally expressed his unwillingness to pursue the proceedings. The settlement is voluntary and its terms have been fulfilled. Having regard to these circumstances, the possibility of securing a conviction appears remote, and continuation of the proceedings would serve little useful purpose. However, the fact that the settlement amount is substantially lower than the amount allegedly misappropriated, coupled with the misuse of police machinery, warrants the imposition of appropriate conditions.

9. In view of the foregoing, this Court considers it appropriate to exercise its jurisdiction under Section 528 of the BNSS to quash the impugned FIR, subject to the imposition of costs and community service.

10. Accordingly, the present petition is allowed. The impugned FIR No. 312/2026, along with all consequential proceedings emanating therefrom, is hereby quashed.

11. However, since the State machinery was set in motion on account of the impugned FIR, it is appropriate to impose costs on the Petitioners. Accordingly, each of the Petitioners is directed to deposit INR 10,000/- with the Delhi Police Welfare Fund within four weeks from today. Proof of payment shall be furnished to the concerned IO within two weeks thereafter.

12. Further, having regard to the specific allegations against Petitioner No. 1, namely, staging an armed robbery and falsely reporting the incident to the police, this Court considers it appropriate to direct him to undertake community service as a measure of accountability. Accordingly, Petitioner No. 1 is directed to perform community service at Lok Nayak Jai Prakash Narayan Hospital for a period of one month, commencing from 10th

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[4] (2014) 6 SCC 466.

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November, 2026. He shall report to the Medical Superintendent of the Hospital on the said date for instructions and assignment of duties. Upon completion of the prescribed period, the Medical Superintendent shall issue a certificate confirming completion of community service, which shall be filed with the Registry. In the event of any absenteeism, default or misconduct during this period, the Medical Superintendent shall immediately report the same to the concerned SHO, who shall inform the APP for placing the matter before this Court and seeking appropriate orders, including revival of the impugned FIR.

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

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

SANJEEV NARULA, J

OCTOBER 28, 2026/*hc*

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