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

\# **CNR No. DLHC010530112026**

\+ CRL.M.C. 8245/2026

SANJAY GUPTA & ANR. .....Petitioners

Through: Ms. Aditi Gupta with Mr. Aman Durga, Advocates, along with petitioners in person
(M): 9582331234
Email: amandurga.adv@gmail.com

versus

THE STATE OF NCT DELHI AND ANR .....Respondents

Through: Mr. Ajay Vikram Singh, APP for the State.
(M): 9868632122
Email: ajayvikramsingh563@gmail.com
W/SI Shiksha, PS Dwarka South.
(M): 9870520177
Respondent no. 2 in person

CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

O R D E R

% 03.11.2026

1. The present petition has been filed 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 the First Information Report ("FIR") being *FIR No. 191/2026* dated 30th July, 2026, registered under Sections 318(4)/316/3(5) of the Bharatiya Nyaya Sanhita, 2023 ("BNS"), at Police Station ("PS") Dwarka South, Delhi, and all

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consequential proceedings emanating therefrom.

2. Issue notice.

3. Notice is accepted by learned Additional Public Prosecutor ("APP") for the State as well as by respondent no. 2.

4. The parties, i.e., the petitioners and respondent no. 2 are present in person before this Court and are duly identified by the counsel for the petitioners and the Investigating Officer ("IO").

5. The captioned petition is taken up for disposal with the consent of the parties.

6. The case of the prosecution, as per the material on record, is culled out as follows:

6.1. Respondent no. 2 became acquainted with petitioner no. 1, i.e., Mr Sanjay Gupta, and his son namely, Mr. Rohit Gupta, i.e., petitioner no. 2 herein, who operated a tour and travels business.

6.2. On 16th April, 2025, respondent no. 2 booked flight tickets to Singapore through petitioner no. 2 for a consideration of Rs. 15,000/-. However, the booking had to be cancelled owing to family reasons.

6.3. Again, on 30th April, 2025, respondent no. 2 booked flight tickets to Thailand and an accommodation therein through petitioner no. 2, for which respondent no. 2 made various payments to petitioner no. 2 by way of multiple transactions.

6.4. Upon checking the Passenger Name Record ("PNR") number of the flight tickets to Thailand, respondent no. 2 came to know that the booking had been cancelled.

6.5. Consequently, respondent no. 2 called petitioner no. 1, who allegedly shouted at him and threatened him against registering a complaint.

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6.6. On account of the alleged fraud, the impugned FIR came to be lodged at the instance of respondent no. 2.

7. Learned counsels appearing for the parties have jointly submitted before this Court today that the parties have settled the matter.

8. In this regard, attention of this Court has been drawn to the settlement dated 09th September, 2026, recorded before the Delhi Mediation Centre, Dwarka Courts, Delhi, in *Mediation Case No. 4393*, whereby, the parties arrived at an amicable settlement out of their own volition and free consent and without force or coercion.

9. In terms of the said settlement, petitioner no. 1 was supposed to deposit a Demand Draft in the sum of Rs. 3,00,000/- with the Dwarka Court, Delhi, and the same was to be released in favour of respondent no. 2.

10. Learned counsel appearing for the petitioners submits that a sum of Rs. 3,00,000/- has already been paid to respondent no. 2, which was the amount in dispute.

11. This Court has interacted with respondent no. 2 who submits that he has received the amount of Rs. 3,00,000/- from the petitioners and thus, does not wish to pursue the present matter any further.

12. Learned APP for the State submits that in view of the private nature of the transaction and the settlement between the parties, the State has no serious objection to the present petition.

13. It is no longer *res integra* that the High Courts may exercise their inherent powers under Section 528 of the BNSS, corresponding to Section 482 of the CrPC, to quash criminal proceedings even with respect to non-compoundable offences, if the concerned parties have arrived at a compromise or settlement, and particularly when no overarching public

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interest is adversely affected by quashing the same. The ultimate guiding factors in such cases must be to secure the ends of justice and prevent the abuse of the process of law.

14. In this regard, reliance is placed upon the case of ***Gian Singh Versus State of Punjab and Another, (2012) 10 SCC 303***, wherein the Supreme Court has held as under:

> *"xxx xxx xxx*
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> ***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***

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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.

xxx xxx xxx"

(Emphasis Supplied)

15. Further, in ***Parbatbhai Aahir Alias Parbatbhai Bhimsinhbhai Karmur and Others Versus State of Gujarat and Another, (2017) 9 SCC 641***, the Supreme Court has summarised the following principles for quashing of criminal proceedings:

"xxx xxx xxx
16. The broad principles which emerge from the precedents on the subject, may be summarised in the following propositions:
16.1. Section 482 preserves the inherent powers of the High Court to prevent an abuse of the process of any court or to secure the ends of justice. The provision does not confer new powers. It only recognises and preserves powers which inhere in the High Court.
16.2. The invocation of the jurisdiction of the High Court to quash a first information report or a criminal proceeding on the ground that a settlement has been arrived at between the offender and the victim is not the same as the invocation of jurisdiction for the purpose of compounding an offence. While compounding an offence, the power of the court is governed by the provisions of Section 320 of the Code of Criminal Procedure, 1973. The power to quash under Section 482 is attracted even if the offence is non-compoundable.
16.3. In forming an opinion whether a criminal proceeding or complaint should be quashed in exercise of its jurisdiction under Section 482, the High Court must evaluate whether the ends of justice would justify the exercise of the inherent power.
16.4. While the inherent power of the High Court has a wide ambit and plenitude it has to be exercised (i) to secure the ends of justice, or (ii) to prevent an abuse of the process of any court.
16.5. The decision as to whether a complaint or first information report should be quashed on the ground that the offender and victim have settled the dispute, revolves ultimately on the facts and circumstances of each case and no exhaustive elaboration of

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principles can be formulated.

16.6. In the exercise of the power under Section 482 and while dealing with a plea that the dispute has been settled, the High Court must have due regard to the nature and gravity of the offence. Heinous and serious offences involving mental depravity or offences such as murder, rape and dacoity cannot appropriately be quashed though the victim or the family of the victim have settled the dispute. Such offences are, truly speaking, not private in nature but have a serious impact upon society. The decision to continue with the trial in such cases is founded on the overriding element of public interest in punishing persons for serious offences.

16.7. As distinguished from serious offences, there may be criminal cases which have an overwhelming or predominant element of a civil dispute. They stand on a distinct footing insofar as the exercise of the inherent power to quash is concerned.

16.8. Criminal cases involving offences which arise from commercial, financial, mercantile, partnership or similar transactions with an essentially civil flavour may in appropriate situations fall for quashing where parties have settled the dispute.

16.9. In such a case, the High Court may quash the criminal proceeding if in view of the compromise between the disputants, the possibility of a conviction is remote and the continuation of a criminal proceeding would cause oppression and prejudice; and

xxx xxx xxx"

(Emphasis Supplied)

16. Accordingly, this Court is of the view that the present case bears elements of civil nature. Although the allegations have been framed in the language of cheating or criminal breach of trust, a dispute of civil nature, rooted in a commercial or similar transaction, may be a fit case for this Court to exercise its inherent power to quash criminal proceedings. Thus, continuing the criminal proceedings would serve no useful purpose, and there is no reasonable likelihood of conviction. It would amount to an abuse of the

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process of law and would cause unnecessary harassment to the parties, while the ends of justice would be better served by putting a quietus to the dispute.

17. Accordingly, *FIR No. 191/2026* dated 30th July, 2026, registered at PS Dwarka South, Delhi, and all proceedings emanating therefrom are hereby quashed.

18. The parties shall remain bound by the settlement dated 09th September, 2026, recorded before the Delhi Mediation Centre, Dwarka Courts, Delhi, in *Mediation Case No. 4393*.

19. The present petition is disposed of in the aforesaid terms.

MINI PUSHKARNA, J

NOVEMBER 3, 2026
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