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

+ **CRL.M.C. 9241/2025 & CRL.M.A. 38594/2025**

KAMLESH

.....Petitioner

Through: Mr. Jagat Singh, Advocate with
petitioner in person.

versus

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

Through: Mr. Aashneet Singh, APP with
WSI Priyanka, PS-Janakpuri.
Mr. Jitender Kumar Dhingra, Mr.
Ranjan Kumar and Mr. Tushar
Grover, Advocates for R-2.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER
25.02.2026

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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. 1011/2015 dated 14.08.2015, registered at Police Station Janak Puri, District West, Delhi, under Section 381 of the Indian Penal Code, 1860 ["IPC"], and all proceedings emanating therefrom, on the ground of settlement.
2. Issue notice. Mr. Aashneet Singh, Additional Public Prosecutor, accepts notice on behalf of the State. Notice is accepted by Mr. Jitender Kumar Dhingra, learned counsel, on behalf of respondent No. 2.
3. The petition is taken up for disposal with the consent of learned



counsel for the parties.

4. The FIR was registered at the instance of respondent No. 2, at whose residence the petitioner was employed as a domestic staff.

5. Respondent No. 2 lodged a complaint at Police Station Janak Puri alleging that approximately Rs. 2,00,000/- in cash, which he had kept aside for the medical treatment of his father, was found missing from his almirah on 13.08.2015. He expressed strong suspicion against the petitioner. On the basis of the said complaint, the subject FIR was registered.

6. Upon completion of investigation, a chargesheet was filed on 28.08.2018. Charge under Section 381 of the IPC was framed against the petitioner *vide* order dated 27.09.2022 passed by the learned Metropolitan Magistrate, Dwarka Courts, New Delhi. The matter is presently pending trial before the Court of Judicial Magistrate First Class, Dwarka Courts, Delhi, and is next listed on 04.06.2025.

7. The case was referred by the Trial Court to the Mediation Centre, Dwarka Courts, to enable the parties to settle their disputes amicably through mediation. The parties have entered into a Settlement Deed dated 03.07.2023, whereby they have amicably resolved their disputes. As per the settlement, the petitioner agreed to pay a total sum of Rs. 1,25,000/- to respondent No. 2 towards full and final settlement.

8. In light of the aforesaid settlement, the parties seek quashing of the impugned FIR and all consequential proceedings.

9. The petitioner is present in Court and is identified by her learned counsel, Mr. Jagat Singh, and the Investigating Officer [“IO”]. Respondent No. 2 is also present in person and is identified by Mr.



Dhingra and the IO.

10. It is submitted by Mr. Singh that the entire settled amount of Rs. 1,25,000/- has been paid by the petitioner to respondent No. 2 in terms of the settlement, and no dues remain outstanding. Respondent No. 2, who is present in Court, affirms that he has received the entire settled amount and that the settlement has been entered into voluntarily, without any coercion, pressure or undue influence. He states that he has no objection to the quashing of the FIR and all consequential proceedings.

11. 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, even with respect to non-compoundable offences, on the ground that there is a compromise between the accused and the complainant, especially when no overarching public interest is adversely affected.

12. In *Gian Singh v. State of Punjab & Anr.*¹, the Supreme Court 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

¹ (2012) 10 SCC 303.



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.”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

² Emphasis supplied.

³ (2014) 6 SCC 466.



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.”⁴

13. The offence in the present case arises out of an employer-employee relationship and pertains to alleged theft from the residence of respondent No. 2. The dispute between the parties has been amicably resolved through mediation. Respondent No. 2 has categorically stated before this Court that he has received the entire settlement amount and has no subsisting grievance against the petitioner.

14. In view of the voluntary settlement between the parties, the nature of the allegations, and the statement of respondent No. 2, this Court is of



the opinion that the possibility of conviction is remote and continuation of the proceedings would serve no useful purpose. No overarching public interest is shown to be adversely affected by quashing of the proceedings.

15. Having regard to the above discussion, the petition is allowed, and FIR No. 1011/2015 dated 14.08.2015, registered at Police Station Janak Puri, District West, Delhi, under Section 381 of the IPC, and all proceedings emanating therefrom, are hereby quashed.

16. The parties will remain bound by the terms of the settlement.

17. The petition, alongwith the pending application, accordingly stands disposed of.

PRATEEK JALAN, J

FEBRUARY 25, 2026

Sh/JM/

⁴ Emphasis supplied.