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

+ CRL.M.C. 9318/2025, CRL.M.A. 38905/2025

KISHAN KUMAR AND ANR

.....Petitioner

Through: Mr. Vineet Jain, Advocate.

versus

STATE NCT OF DELHI AND ANR

.....Respondent

Through: Mr. Tarang Srivastava, APP

SI Anil Kumar.

Appearance for R-2 not given.

**CORAM:**

**HON'BLE MR. JUSTICE PRATEEK JALAN**

**ORDER**

% **15.04.2026**

1. By way of 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"]) the petitioners seek quashing of FIR No. 387/2017 dated 24.08.2017, registered at Police Station Gandhi Nagar, Delhi, under Section 380 of the Indian Penal Code, 1860 ["IPC"], alongwith all consequential proceedings arising therefrom, on the ground of settlement between the parties.
2. Issue notice. Mr. Tarang Srivastava, Additional Public Prosecutor, accepts notice on behalf of the State. Learned counsel accepts notice on behalf of respondent No.2.
3. The petitioners are present in Court and are identified by their learned counsel and the Investigating Officer. Respondent No. 2 is also present in person and is identified by his learned counsel and the Investigating Officer.
4. The petition is taken up for disposal with the consent of learned



counsel for the parties.

5. The parties are known to each other as they reside in the same vicinity. and The FIR in the present case was registered at the instance of respondent No. 2 against the petitioners, wherein he reported that on the intervening night of 22-23.08.2017, a theft allegedly took place at his godown/shop situated at 9/166, 4th Floor, Krishna Nagar, Delhi. He stated that upon returning, he found the premises to have been accessed without authorization and that certain goods were missing therefrom. The alleged stolen property comprised approximately 4,700 pieces of T-shirts, and further expressed suspicion regarding the involvement of the petitioners in the said incident.

6. It is stated that charges have been framed against the present petitioners for offences punishable under Sections 380, 457, 411 read with Section 34 IPC.

7. The matter was thereafter referred by the learned Trial Court to the Delhi Mediation Centre, Karkardooma Courts, with a view to facilitating an amicable resolution between the parties through mediation. Pursuant thereto, the parties entered into a Settlement Deed dated 02.12.2025, whereby they amicably resolved all their disputes.

8. In terms of the said settlement, the petitioners agreed to pay a total sum of Rs. 70,000/- to respondent No. 2 towards full and final settlement. Out of the said amount, Rs. 10,000/- was paid by the petitioners to respondent No. 2 before the learned Trial Court at the time of compounding of the offence under Section 411 IPC. *Vide* order dated 08.12.2025, the learned Trial Court recorded receipt of the said amount by respondent No. 2 and accordingly acquitted the petitioners of the



offence under Section 411 IPC. The remaining amount of Rs. 60,000/- has been paid in Court today, in terms of the settlement.

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

10. Learned counsel for the parties submit that the parties have entered into a settlement voluntarily, without any coercion, undue influence, or pressure.

11. Respondent No. 2, who is present in Court, affirms that he has received the entire settled amount and that the settlement has been arrived at voluntarily, without any coercion, pressure, or undue influence. He further states that he has no objection to the quashing of the FIR and all consequential proceedings arising therefrom.

12. The Supreme Court has consistently held that, in appropriate cases, 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, including in respect of non-compoundable offences, where the parties have settled their disputes, particularly when such settlement does not prejudice any overriding public interest.

13. The Supreme Court, in *Gian Singh v. State of Punjab & Anr.*<sup>1</sup> 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*

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<sup>1</sup> (2012) 10 SCC 303.



*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.”<sup>2</sup>*

Further, in *Narinder Singh & Ors. v. State of Punjab & Anr.*<sup>3</sup>, 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*

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<sup>2</sup> Emphasis supplied.

<sup>3</sup> (2014) 6 SCC 466.



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.”<sup>4</sup>

14. The present case primarily arises out of an alleged incident of theft from the shop of respondent No. 2, in respect of which the parties were admittedly known to each other. The disputes between them have now been amicably resolved through mediation and settlement. Respondent

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<sup>4</sup> Emphasis supplied.



No. 2 has categorically stated before this Court that he has received the entire settlement amount and that he has no subsisting grievance against the petitioners.

15. In view of the voluntary settlement arrived at between the parties, the nature of the allegations involved, and the categorical statement of respondent No. 2 before this Court, this Court is of the considered opinion that the possibility of conviction is remote and that continuation of the proceedings would serve no useful purpose. It is further observed that no overriding public interest is shown to be adversely affected by quashing of the FIR and the consequential proceedings arising therefrom.

16. In view of the aforesaid discussion, the petition is allowed. Consequently, FIR No. 387/2017 dated 24.08.2017, registered at Police Station Gandhi Nagar, Delhi, under Section 380 of IPC, alongwith all consequential proceedings arising therefrom, is hereby quashed.

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

18. Bail bonds, if any, stand discharged.

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

**PRATEEK JALAN, J**

**APRIL 15, 2026**

SS/SD/