



2026:DHC:9066



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% **Date of Decision: 09th October, 2026**# **CNR No. DLHC010423712026**

+ CRL.M.C. 6643/2026, CRL.M.A. 27780/2026, CRL.M.A. 31782/2026 & CRL.M.A. 31783/2026

GAURAV KALYAN

.....Petitioner

Through: Mr. Pranav Krishna and Ms. Srishti
Mayank, Advocates
Mob: 9560385500
Petitioner in person (Through VC)

versus

STATE OF NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Sunil Kumar Gautam, APP for
the State
SI Ravinder Kumar, ISC/Crime
Branch, Chanakyapuri, New Delhi
Mob: 9999562694
Mob: 9871349009
Respondent no. 2 in person (Through
VC)
Ms. Sunanda Kumari, Advocate for
R-2 (through VC)

CORAM:**HON'BLE MS. JUSTICE MINI PUSHKARNA****MINI PUSHKARNA, J. (Oral):**

1. The present petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ("BNSS"), seeking quashing of the First Information Report ("FIR") being *FIR No. 35/2021* dated 02nd March, 2021, registered under Sections 406/120B/34 of the Indian Penal Code, 1860, at



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Police Station (“PS”) Crime Branch, Delhi, and all consequential proceedings emanating therefrom.

2. Issue notice.

3. Notice is accepted by the learned Additional Public Prosecutor (“APP”) for the State and by learned counsel appearing for respondent no. 2.

4. The petitioner as well as respondent no. 2 are present before this Court through Video Conferencing (“VC”) and are identified by their respective counsels and the Investigating Officer (“IO”).

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

6. As per the documents on record, the following facts have been culled out:

6.1. The petitioner was working as Director for a travel agency, i.e., Shoes on Loose Private Limited (“company”). The Company was headed by Mr. Mohit Poddar who acted as the Chief Executive Officer (“CEO”) and Managing Director (“MD”) along with Mr. Kritagya Tripathi, who served as the Director.

6.2. In 2019, respondent no. 2 booked a family trip to Dubai from 05th April, 2020 to 11th April 2020, through the said company and paid an aggregate sum of Rs. 5,61,000/- towards flight tickets, hotels and sight-seeing, by way of six transactions. The payments were made by two family members of respondent no. 2, i.e., his brother-in-law, namely, Mr. Tarun Malhotra, and son, namely, Mr. Sahil Malhotra.

6.3. However, in March 2020, the COVID-19 pandemic swept across the world which led to a nationwide lockdown being imposed and a suspension of international air travel. Resultantly, the abovementioned trip stood



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cancelled.

6.4. As per the impugned FIR, it is alleged that in light of the pandemic situation, the hotel authorities and the Ministry of Civil Aviation had already directed payment of the full amount to the customers but the company neither advised respondent no. 2 regarding the same, nor refunded the money.

6.5. Aggrieved by the non-refund, on 10th June, 2020, respondent no. 2 lodged a complaint before the PS Crime Branch, Delhi, against Mr. Mohit Poddar, alleging criminal breach of trust and criminal conspiracy.

6.6. Pursuant thereto, the impugned FIR came to be registered on 02nd March, 2021.

6.7. Subsequently, upon completion of the investigation, a chargesheet was filed by the IO on 01st January, 2024, against Mr. Mohit Poddar, Mr. Gaurav Kalyan and Mr. Kritagya Tripathi, under Sections 406/120B/34 of the IPC.

7. Learned counsels appearing for the petitioner as well as respondent no. 2 jointly submit that the parties have arrived at a settlement.

8. In this regard, attention of this Court has been drawn to the Memorandum of Settlement (“MoS”) dated 18th May, 2026, executed between the petitioner, respondent no. 2, Mr. Tarun Malhotra and Mr. Sahil Malhotra, at Gurugram, Haryana.

9. As per the terms of the MoS, the petitioner undertook to pay a sum of Rs. 85,334/- to Mr. Tarun Malhotra and a sum of Rs. 1,01,667/- to Mr. Sahil Malhotra, towards full and final settlement of their claims.

10. Today, this Court is informed that the requisite amounts have already been remitted by the petitioner to the concerned person.



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11. This Court has also interacted with respondent no. 2, who submits that the parties have amicably settled all their disputes and arrived at an MoS, out of their own free will and consent and without any fear or coercion. He has categorically confirmed that the settlement amount already stands received. He, thus, submits that he does not wish to pursue the present matter any further.

12. Learned Additional Public Prosecutor (“APP”) for the State submits that in view of the private nature of the dispute, the State has no serious objection, if the present petition is allowed.

13. It is pertinent to note that in the case of ***Gian Singh Versus State of Punjab and Another, (2012) 10 SCC 303***, the Supreme Court has held that in exercise of their powers under Section 482 of the Code of Criminal Procedure, 1973 (“CrPC”), corresponding to Section 528 of the BNSS, High Courts may proceed to quash criminal proceedings involving non-compoundable offences where the dispute between the parties has been settled, if, in their opinion, continuation of the proceedings would be an exercise in futility and justice demands that the dispute be brought to an end.

14. Further, in the case of ***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 guiding principles which High Courts should consider while quashing 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 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)

15. As per the facts of the present case, this Court is of the view that there is little likelihood of the criminal proceedings ending in conviction. In fact, their continuation would be an empty formality, serving only to add to the burden on the justice system and to consume public resources needlessly.

16. Therefore, having heard learned counsels for the parties, this Court finds no impediment in allowing the present petition.

17. Accordingly, *FIR No. 35/2021* dated 02nd March, 2021, registered under Sections 406/120B/34 of the IPC at PS Crime Branch, Delhi, and all proceedings emanating therefrom, are hereby quashed *qua* the petitioner, i.e., Mr. Gaurav Kalyan, S/o Mr. Ram Singh Kalyan.

18. The parties shall remain bound by the terms of the MoS dated 18th May, 2026.



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19. The present petition, along with the pending applications, is accordingly disposed of.

MINI PUSHKARNA, J

OCTOBER 9, 2026/SK