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

+ **CRL.M.C. 3029/2024**

NAYIM AHMAD

.....Petitioner

Through: Mr. Varun Singh, Ms. Gurpreet Kaur,
Advs.

Versus

**THE STATE GOVT OF NCT, DELHI REPRESENT THROUGH
SHO RAJOURI GARDEN & ANR.**

.....Respondent

Through: Mr. Aashneet Singh, APP
SI Devender Kumar, PS Rajouri Garden

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

21.11.2024

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1. This is a petition filed under Section 482 of Cr.PC seeking quashing of the FIR No. 470/2023 dated 16.07.2023 registered at PS Rajouri Garden under Section 288/304(A) of IPC.
2. The allegations in the FIR are that the deceased, named Urmila Raiwkar, died by falling from the third floor of a under construction building and it is stated that there was no helmet, jacket, net or the warning board.
3. In the present case, the deceased was not employed by the petitioner contractor but was the wife of an employee/respondent no.2 and was residing on the third floor of the building being constructed. Hence, it is stated that there was no reason to provide helmet, jacket, long shoes to the deceased.
4. The parties have arrived at a settlement dated 19.03.2024, wherein a sum of Rs. 4 lakhs was to be paid to the complainant, i.e. the husband



of the deceased, which has been paid.

5. The petitioner is present in Court and has been identified by Mr. Singh, learned counsel.
6. The respondent No.2 is also present in Court and has been identified by the SI Devender Kumar, PS Rajouri Garden.
7. A coordinate bench of this Court in the judgment, ***Amit Kumar vs. State (Govt. of NCT of Delhi)*** in CRL.M.C. 4686/2015 dated 01.04.2016 while quashing an FIR under Sections 279/304A IPC has relied on the Supreme Court judgment of ***Narinder Singh vs. State of Punjab*** (2014) 6 SCC 466 to state that under certain circumstances, the High Court can quash non-compoundable offences. In ***Amit Kumar*** (*supra*), the Court quashed an FIR u/s 279/304A by satisfying itself that the situation demanded the same. The relevant paras are as under:

*“6. The aforesaid dictum stands reiterated by the Apex Court in a recent judgment in **Narinder Singh v. State of Punjab** (2014) 6 SCC 466. The relevant observations of the Apex Court in **Narinder Singh** (*Supra*) are 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 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.

10. It is a well settled law that where the High Court is convinced that the offences are entirely personal in nature and therefore do not affect public peace or tranquillity and where it feels that quashing of such proceedings on account of compromise would bring about peace and would secure ends of justice, it should not hesitate to quash them. In such cases, pursuing prosecution would be waste of time and energy. Non-compoundable offences are basically an obstruction in entering into compromise. In certain cases, the main offence is compoundable but the connected offences are not. In the case of *B.S. Joshi and others v. State of Haryana* and another 2003 (4) SCC 675 the Hon'ble Apex Court observed that even though the provisions of Section 320 Cr.P.C. would not apply to such offences which are not compoundable, it did not limit or affect the powers under Section 482 Cr.P.C. The Hon'ble Apex Court laid down that if for the purpose of securing the ends of justice, quashing of FIR becomes necessary, section



320 Cr.P.C. would not be a bar to the exercise of power of quashing. In the nutshell, the Hon'ble Apex Court justified the exercise of powers under Section 482 Cr.P.C. to quash the proceedings to secure the ends of justice in view of the special facts and circumstances of the case, even where the offences were non compoundable."

8. I am convinced that quashing of such proceedings on account of compromise would bring about peace and would secure ends of justice, specially, when the respondent No.2 does not attribute any fault to the petitioner. I am of the view that no amount of money can substitute the loss of the respondents. However, money does serve as a bridge to overcome the difficulties of life due to the loss of a family member. It can lessen the burden of the family members left behind. This should not be treated as a precedent and in this case the proceedings are quashed as the respondent has decided to put a quietus to the matter. It is a fit case for quashing.
9. The Court does not see any fruitful purpose if criminal proceedings are continued to be prosecuted any further since pursuing prosecution would be waste of time and energy. In this view of the matter, there is no reason to continue the proceedings.
10. In view of the settlement arrived at between the parties, the FIR No. 470/2023 dated 16.07.2023 registered at PS Rajouri Garden under Section 288/304(A) of IPC and all consequential proceedings emanating therefrom are hereby quashed.
11. The petition is disposed of in the aforesaid terms.

JASMEET SINGH, J

NOVEMBER 21, 2024 / (MS)