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

+ **CRL.M.C. 7254/2024 & CRL.M.A. 27681/2024**

SUNIL KUMAR GOYALPetitioner
Through: **Mr. Raj Kumar**
Chandiwal, Advocate
(Through V.C.).

versus

THE STATE NCT OF DELHI AND ANRRespondents
Through: **Mr. Manoj Pant, APP for**
the State.
SI Krishan Kumar (P.S.
Bawana).

CORAM:
HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER
15.10.2024

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1. The present petition is filed seeking quashing of FIR No.338/2024 dated 12.05.2024, registered at police station Bawana, for offences under Sections 285/336/337/338 of the Indian Penal Code, 1860.
2. The FIR was registered pursuant to report of an incident that major fire has broken out in a factory premises owned by the petitioner. In the incident, seven to eight persons got seriously injured and one of them succumbed to injuries.
3. The present petition is filed on the ground that the petitioner has settled with the injured victims. During Investigation it was found that no safety equipment was installed by the petitioner in the factory premises. Other precautions were also allegedly not taken. The incident led to the death of a young



person aged 22 years of age. Several other workers also got seriously injured of the fire. The allegations cannot be said to be *in personam* which can be quashed on the ground of settlement.

4. Status report has been filed by the State and the same is taken on record.

5. Investigation is still to be completed.

6. The Hon'ble Apex Court has laid down parameters and guidelines for High Court while accepting settlement and quashing the proceedings. In the case of ***Narinder Singh & Ors. v. State of Punjab & Anr. : (2014) 6 SCC 466***, the Hon'ble Apex Court had observed 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.

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.”

(emphasis supplied)

7. The petitioner's act of allegedly not providing safety equipment and not taking other precautions has led to death of a young person aged 22 years, 7-8 more persons also got seriously injured. When someone loses his life because of someone's negligence, the same cannot be taken lightly.

8. Whether the incident was pure accident or happened due to criminal negligence, is a subject matter of investigation which



cannot be thwarted on the ground that the injured victims and the family of the deceased have settled the dispute. Making a person liable for criminal actions acts as a deterrence for other potential offenders.

9. Quashing the FIR only on the ground of settlement encourages people not to follow the rules which has the effect of endangering the life of other people.

10. In view of the above, I am of the opinion, this is the fit case where the FIR can be quashed on the ground of settlement.

11. The petition is therefore, dismissed.

AMIT MAHAJAN, J

OCTOBER 15, 2024

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