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

+ **CRL.M.C. 7319/2024**

RAJ KUMAR SHARMA

.....Petitioner

Through: Mr. Sadiq Ali, Adv.

versus

STATE OF NCT OF DELHI AND ANR

.....Respondent

Through: Mr. Sunil Kumar Gautam, APP

SI Deepak Lothwal, PS Narela
Industrial Area

Mr. Arvind Kaushik, Adv. for R2
along with R2 in person

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

22.11.2024

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1. This is a petition under Section 528 of BNSS seeking quashing of FIR No. 478/2020, under Sections 287/338 of IPC, registered at P.S.: Narela Industrial Area and proceedings emanating therefrom.
2. As per the FIR, the complainant was working in the factory of the petitioner and lost 4 fingers on his left hand due to an accident.
3. The parties have arrived at a settlement before the Delhi High Court Mediation and Conciliation Centre wherein, in addition to Rs. 1,10,000/-, the petitioner has also paid an additional amount of Rs. 40,000/-.
4. The petitioner is present and is identified by Mr. Sadiq Ali, Advocate. Respondent No. 2/complainant is also present and identified by IO SI Deepak, P.S.: Narela Industrial Area. He states that the dispute has been settled and has no objection if the FIR is quashed.
5. Both the parties state that they have entered into the aforesaid settlement out of their own free will, volition and without any threat, force,



undue influence or coercion.

6. A coordinate bench of this Court in *Amit Kumar v. State (Govt. of NCT of Delhi)*, 2016 SCC OnLine Del 2035 has relied on the Supreme Court judgment of *Narinder Singh v. State of Punjab*, (2014) 6 SCC 466 to state that by determining certain principles, 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 paragraphs are as under:

“7. 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.

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“11. 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 v. State of Haryana (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.”

7. I am convinced that quashing of such proceedings on account of compromise would bring about peace and would secure ends of justice. I am of the view that no amount of money can substitute the loss of the respondent No. 2. However, money does serve as a bridge to overcome the difficulties of life caused due to the incident. This should not be treated as a precedent. In this case, the proceedings are quashed as the respondent No. 2 has decided to put a quietus to the matter. The Court does not see any fruitful purpose if criminal proceedings are continued to be prosecuted any further. It is a fit case for quashing.

8. For the said reasons, FIR No. 478/2020, under Sections 287/338 of IPC, registered at P.S.: Narela Industrial Area and proceedings emanating therefrom are hereby quashed.

9. The petition along with pending applications, if any, is accordingly disposed of.

JASMEET SINGH, J

NOVEMBER 22, 2024/sp