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

+ **CRL.M.C. 158/2025 & CRL.M.A. 852/2025**

MR KAMLESH PRASAD & ANR.

.....Petitioners

Through: Mr. B.K. Singh, Advocate with
Petitioners in person

versus

THE STATE GOVT OF NCT OF DELHI & ORS.Respondents

Through: Mr. Mukesh Kumar, APP for the
State with SI Dharamveer, SI
Gajender Singh, PS Chhawla
Mr. Vivek Kumar, Ms. Kanchan
Kumari, Ms. Anjali Kumari, LRs of
R-2 & 3 with Complainant in person

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

14.07.2025

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1. The present petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (formerly Section 482 of the Code of Criminal Procedure, 1973²) seeks quashing of FIR No. 541/2020³ dated 23rd May, 2020, registered under Sections 288/338/34 of the Indian Penal Code, 1860⁴, at P.S. Chhawala and all proceedings emanating therefrom. A chargesheet has also been filed in the said FIR under Sections 288/304A/34 of IPC.

2. The impugned FIR arises from a complaint made by Respondent No.

¹ "BNSS"

² "Cr.P.C."

³ "the impugned FIR"

⁴ "IPC"



2, alleging that on 21st May, 2020, his father, Nand Kishor, a labourer employed by contractor Kamlesh Prasad (Petitioner No. 1) at the residence of one Sushant Kumar Singh (Petitioner No. 2), sustained injuries when a brick fell on him during one of his shifts, allegedly due to the negligence of the contractor and the owner in failing to provide adequate safety equipment. Subsequently, Nand Kishor succumbed to his injuries while undergoing treatment in the hospital.

3. The parties state that Respondent No. 2 and Respondent No. 3, who is the wife of the deceased, have amicably resolved the dispute with the Petitioner and have decided not to pursue the present FIR against him. Pursuant to this settlement, a Settlement Deed dated 23rd December, 2024, was executed between the Petitioners and Respondent No. 2 and 3.

4. As per the terms of the Settlement Deed dated 23rd December, 2024, Respondent Nos. 2 and 3 have mutually resolved all disputes and differences with the Petitioners and have voluntarily agreed to give their no objection to the quashing of the subject FIR. The Petitioners agreed to pay a total sum of INR 6,50,000/- as compensation to the family of the deceased. Respondent No. 2 and 3, in turn, agreed to withdraw all proceedings pending against the Petitioners. By order dated 10th July, 2025, this Court further recorded that the deceased is survived by his wife, two sons and four daughters, of whom one daughter is married, two are unmarried majors, and one is a minor. Considering these facts, Petitioner No. 2 volunteered to enhance the compensation by an additional sum of INR 50,000/-, to be paid in the name of the minor daughter. The Court also directed that the remaining balance amount of INR 1,25,000/- be distributed equally between the two unmarried major daughters.



5. Out of the total amount of INR 7,00,000/-, a sum of INR 5,25,000/- has already been paid by way of the following instruments:

- (a) Demand Draft No. 427756 dated 21st December, 2024, for INR 2,00,000/-
- (b) Demand Draft No. 501670 for INR 25,000/-
- (c) Cheque No. 241674 dated 23rd December, 2024, for INR 1,00,000/-
- (d) Cheque No. 388955 dated 16th January, 2025, for INR 1,00,000/-
- (e) Cheque No. 504879 dated 28th January, 2025, for INR 1,00,000/-

Copies of the above-mentioned instruments are handed across the board and taken on record.

6. The statements of the Petitioners, Respondent No. 2 & 3 and the Investigating Officer were recorded before the Joint Registrar 24th March, 2025, wherein Respondent No. 2 and 3 confirmed that they have voluntarily and without any pressure or coercion from anyone, settled all their disputes with the Petitioners and executed the settlement deed out of their own free will.

7. The Complainants, who appear in person and are identified by the Investigating Officer, unequivocally state that they do not wish to pursue the FIR proceedings and give their no-objection for quashing of the same. They confirm their statements and acknowledge the receipt INR 5,25,000/-. The balance amount of INR 1,75,000/-, is tendered by way of the following instruments and handed over to the Complainants:

- (a) Cheque bearing No. 504925 dated 11th July, 2025 for INR 62,500/-;
- (b) Cheque bearing No. 504926 dated 11th July, 2025, for INR 62,500/-;
- (c) Cheque bearing No. 504924 dated 11th July, 2025 for INR 50,000/-.

Copies of the above-mentioned instruments are handed across the board and



taken on record. In light of the amicable resolution between the parties, the Petitioners seek quashing of the subject FIR and all proceedings arising therefrom.

8. The Court has considered the submissions of the parties. Although, the offences under Sections 304A and 288 are non-compoundable, it is well settled that in the exercise of its inherent powers under Section 482 CrPC (now Section 528 BNSS), the Court may, in appropriate cases, quash proceedings in respect of non-compoundable offences if the parties have reached a genuine settlement and no overarching public interest is adversely affected. The Supreme Court in *Gian Singh v. State of Punjab & Anr.*⁵ has held as follows:

“11. As discussed above, offence punishable under Section 186/332/353 of the IPC are non-compoundable being of serious nature, however, if the Court feels that continuation of criminal proceedings will be an exercise in futility and justice in this case demands that the dispute between the parties is put to an end and peace is restored, it can order for quashing of the FIR or criminal proceedings as it is the duty of the Court to prevent continuation of unnecessary judicial process.

12. In view of the law discussed above, considering the Settlement arrived at between the parties and the statements of respondent no.1 & 2, I am of the considered opinion that this matter deserves to be given a quietus as continuance of proceedings arising out of the FIR in question would be an exercise in futility.”

[Emphasis added]

9. Further, in *Narinder Singh & Ors. v. State of Punjab & Anr.*,⁶ the Supreme Court held as follows:

“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

⁵ (2012) 10 SCC 303

⁶ (2014) 6 SCC 466



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]

10. Although the offences under Sections 288/304A of the IPC cannot be treated as ‘*in personam*’, meaning they affect society at large and not just the individual complainant, the Court must also account for the practical realities of securing a conviction in the present case. The Supreme Court has



consistently held that in cases where the complainant has entered into a voluntary and *bona fide* settlement, and is no longer inclined to support the prosecution, the prospect of securing a conviction becomes exceedingly remote. In such circumstances, continuing the prosecution may not only prove futile, but would also serve no worthwhile public interest. The Complainants in the present case have categorically expressed their unwillingness to pursue the matter further and have confirmed the settlement as voluntary and devoid of any coercion. Given this background, the continuation of criminal proceedings would amount to an empty formality, adding to the burden of the justice system and consuming public resources unnecessarily. Having regard to the totality of circumstances, and in view of the legal principles laid down by the Supreme Court, this Court finds the present case to be an appropriate one for exercise of jurisdiction under Section 528 of the BNSS to secure the ends of justice.

11. In view of the foregoing, the present petition is allowed. FIR No. 541/2020, registered under Sections 288/338/34 of the IPC at P.S. Chhawla, along with the chargesheet filed under Sections 288/304A of the IPC and all proceedings emanating therefrom, are hereby quashed.

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

13. Accordingly, the petition is disposed of along with pending application(s).

SANJEEV NARULA, J

JULY 14, 2025/ab