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

+ **CRL.M.C. 333/2025 & CRL.M.A. 1641/2025**

JAGAT NARAYAN

.....Petitioner

Through: Mr. Dushyant Bhargava, Ms. Lubva Akhtar and Mr. Pawan Mehta, Advocates.
Petitioner in person.

versus

STATE OF NCT OF DELHI AND ORS

.....Respondents

Through: Mr. Mukesh Kumar, APP for the State.
ASI Neeraj Kumar, PS: Tigri.
R-2(a), 2(c) in person.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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01.08.2025

1. The present petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (corresponding to Section 482 of the Code of Criminal Procedure, 1973²) seeks quashing of FIR No. 399/2024 dated 15th October, 2024, registered under Section 290, 125 and 106 of the Bharatiya Nyaya Sanhita, 2023³ at P.S. Tigri, Delhi and all proceedings emanating therefrom.

2. Briefly stated, the case of the prosecution is that on 14th October, 2024, a PCR call was received by ASI Neeraj Kumar, wherein the caller

¹ "BNSS"

² "CrPC"



informed that the roof of a house – B-505, B Block, Sangam Vihar, New Delhi – had collapsed, resulting in some people being trapped and others injured. Upon reaching the location with his team, ASI Neeraj was informed that the roof of the said property had collapsed at around 3:30 PM. Due to this incident, three workers, Bimla Devi, Kamaljeet Singh, and Kalloo (Respondent Nos. 2 to 4), sustained injuries.

3. The house owner, Jagat Narayan (the Petitioner), thereafter took the injured workers to the hospital. Later, it was reported that Bimla Devi, aged approximately 56 years, had been declared “brought dead” by the hospital. The MLC of Kamaljeet Singh revealed that he too had sustained injuries. It was further discovered that the Petitioner had not provided adequate safety measures to the workers. On the basis of this information, the impugned FIR was registered.

4. Respondent No. 2 (through her legal representatives⁴), Respondent No. 3, and Respondent No. 4 have stated that they have amicably resolved all disputes and differences with the Petitioner and have decided not to pursue the present FIR against him. Pursuant to this settlement, two separate settlement deeds were executed on 1st December, 2024, one between the Petitioner and the LRs of Respondent No. 2, and another between the Petitioner and Respondent Nos. 3 and 4.

5. Copies of these deeds have been placed on record and perused by the Court. As per their terms, Respondent No. 2 (through her legal representatives), Respondent No. 3, and Respondent No. 4 have mutually resolved their disputes with the Petitioner and have agreed to voluntarily

³ “BNS”

⁴ “LRs”



give their no objection to the quashing of the subject FIR. In furtherance of the settlement, the Petitioner agreed to pay a total sum of INR 4,50,000/- towards full settlement for the death of Respondent No. 2. Additionally, under the terms of the other settlement agreement, the Petitioner agreed to pay INR 10,000/- to Respondent No. 4 towards his medical expenses, while Respondent No. 3 did not claim any amount.

6. On 5th May, 2025, the statements of Respondent Nos. 3 and 4, as well as Mr. Rajender Singh and Ms. Sunita Kumari (LRs of Respondent No. 2), were recorded before the Joint Registrar. In their statements, they expressed their unwillingness to pursue the FIR and gave their no objection to its quashing. They also confirmed that their statements were made voluntarily, in the presence of the Investigating Officer. The parties further acknowledged receipt of the entire settlement amounts in accordance with their respective agreements.

7. In view of the settlement, the aforementioned Respondents and the legal representatives of Respondent No. 2 have appeared before the Court and confirmed that they do not wish to pursue the FIR proceedings. They affirmed that their decision to settle was voluntary, without any undue influence or coercion, and that they had received the agreed amounts as per the settlement deeds. The Petitioner has also appeared before the Court in person. Additionally, the Petitioner has voluntarily offered to pay a further sum of INR 50,000/- to the dependent of Respondent No. 2, namely Sunita Kumari, over and above the agreed settlement amount. The cash receipt of this payment is handed across the board and is taken on record. In light of this amicable resolution, the Petitioner seeks 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 290, 125 and 106 BNS are non-compoundable, however, it is well settled that in the exercise of its inherent powers under Section 482 CrPC (corresponding to 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 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 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

⁵ (2012) 10 SCC 303

⁶ (2014) 6 SCC 466



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 offence alleged in the present case cannot be regarded as strictly ‘in personam’, as it involves considerations of public concern rather than being limited to purely private grievances, the Court must also take into account the practical realities of securing a conviction in the given circumstances. The Supreme Court has consistently held that where the complainant has entered into a voluntary and bona fide settlement and is no longer inclined to support the prosecution, the likelihood of securing a conviction becomes exceedingly remote. In such situations, the continuation



of prosecution would not only be futile, but would also fail to advance any meaningful public interest.

11. In the present matter, Respondent Nos. 3 and 4, along with the legal representatives of Respondent No. 2, who have all appeared before the Court in person, have unequivocally expressed their unwillingness to pursue the proceedings and have confirmed that the settlement was voluntary and free from any coercion. In this backdrop, the continuation of criminal proceedings would amount to a mere formality, unnecessarily burdening the judicial system and consuming valuable public resources. Considering the totality of circumstances, and guided by the legal principles enunciated by the Supreme Court, this Court is of the view that the present case warrants the exercise of its inherent jurisdiction under Section 528 of BNSS (corresponding to Section 482 of CrPC) to secure the ends of justice.

12. In view of the foregoing, the present petition is allowed and FIR No. 399/2024 dated 15th October, 2024, registered under Section 290, 125 and 106 of BNS at P.S. Tigri, Delhi and all proceedings emanating therefrom are hereby quashed.

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

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

SANJEEV NARULA, J

AUGUST 1, 2025

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