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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 1179/2025 & CRL.M.A. 5226/2025**
NILAMBUJ SHRIVASTVA & ORS.Petitioners

Through: Mr. R.C. Tiwari and Mr. Shivank
Sharma, Advocates with Petitioners
(in-Persons).

versus

THE STATE NCT OF DELHI & ORS.Respondents
Through: Mr. Hemant Mehla, APP for State.
SI Ashish Kumar, P.S. Chanakyapuri.
Mr. Subhash Chand, Advocate for R-
2 & 3 with Respondents No. 2 & 3
(in-Person).

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER
09.12.2025

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1. This petition 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. 77/2022 dated 20th May, 2022, registered under Sections 288/337 of the Indian Penal Code, 1860³ at P.S. Chankya Puri, Delhi, and all other proceedings emanating therefrom. The petition is based on a compromise deed executed between the Petitioners and Respondents No. 2 and 3, who are the parents of the deceased.
2. The prosecution case arises from information received regarding an

¹ "BNSS"

² "CrPC"

³ "IPC"



accident at an under-construction site of the Vietnam Embassy, Chanakyapuri, pursuant to which an MLC (No. 53612022) of one Dhananjay Paswan, aged 25 years, was prepared at Primus Hospital. The patient was brought to the Emergency Ward by one Sunil Sharma (Petitioner No. 2), who stated that the victim had fallen from the first floor of the said construction site on 19th May, 2022, at about 4:35 PM. The victim subsequently died. Upon completion of investigation, a chargesheet was filed, whereby the Petitioners are implicated under Sections 288, 304A and 34 IPC.

3. The parties state they have amicably resolved the dispute and have executed a Compromise Deed dated 13th February, 2025. The copy of the Deed is on record and perused by the Court.

4. On 6th May, 2025, this Court had noted that the compensation amount payable to the dependents of the deceased would be INR 14 lakhs.

5. Respondents No. 2 and 3 appear in person and are duly identified by the Investigating Officer. They unequivocally state that they do not wish to pursue the FIR proceedings. They confirm that their decision to settle the matter is voluntary and made without any undue influence or coercion. They further confirmed the receipt of the entire settlement amount, as stood enhanced by this Court *vide* order dated 6th May, 2025. In light of the amicable resolution, the parties jointly seek quashing of the subject FIR and all proceedings arising therefrom.

6. The Court has considered the submissions of the parties. Notably, the offences under Sections 288 and 304A IPC 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.***⁴ 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]

7. Further, in ***Narinder Singh & Ors. v. State of Punjab & Anr.***,⁵ 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 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:

⁴ (2012) 10 SCC 303

⁵ (2014) 6 SCC 466



(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]

8. The Court is conscious that the offences alleged under Sections 288 and 304A IPC, particularly where the incident results in the loss of life at a construction site, carry serious implications and cannot be treated as purely private in nature. Therefore, while considering whether the proceedings may be quashed on the basis of the settlement executed between the Petitioners and the parents of the deceased, it becomes necessary to examine whether the material collected during investigation *prima facie* indicates the presence of culpable or gross negligence on the part of the Petitioners. The Court must also assess whether continuation of the prosecution has any realistic prospect of leading to a conviction in light of the evidentiary record.

9. In **Jacob Mathew v. State of Punjab**⁶, the Supreme Court examined

⁶ (2005) 6 SCC 1.



what constitutes a negligent act (in context of Section 304A IPC) and held that gross negligence, along with an element of *mens rea*, must be established. The relevant observations of the Court are as follows:

“48. We sum up our conclusions as under: ...(5) The jurisprudential concept of negligence differs in civil and criminal law. What may be negligence in civil law, may not necessarily be negligence in criminal law. For negligence to amount to an offence, the element of mens rea must be shown to exist. For an act to amount to criminal negligence, the degree of negligence should be much higher i.e. gross or of a very high degree. Negligence which is neither gross nor of a higher degree may provide a ground for action in civil law but cannot form the basis for prosecution. The word "gross" has not been used in Section 304A IPC, yet it is settled that in criminal law negligence or recklessness, to be so held, must be of such a high degree as to be "gross". The expression "rash or negligent act" as occurring in Section 304A of the IPC has to be read as qualified by the word "grossly"..."

10. The present case primarily rests on the information that the victim fell from the first floor of an under-construction site. However, there are admittedly no independent eyewitnesses to the incident. The material on record does not reveal any overt act attributable to the Petitioners from which gross negligence or reckless disregard for human safety can be inferred at this stage. Respondents No. 2 and 3, who are the parents of the deceased, have unequivocally stated that they have voluntarily executed a settlement, have received the entire enhanced compensation of INR 14 lakhs, and do not wish to pursue the proceedings. Given the absence of direct evidence pointing to gross negligence, coupled with the categorical stand of the deceased's legal representatives that they harbour no surviving grievance, the ability of the prosecution to establish the degree of culpability required under Section 304A IPC becomes exceedingly remote.

11. In the above circumstances, continuation of the criminal proceedings would serve no meaningful purpose and would amount to an unnecessary



burden on judicial resources. The Court is therefore satisfied that this is a fit case for exercise of powers under Section 528 BNSS (corresponding to Section 482 CrPC) to secure the ends of justice.

12. In view of the foregoing, the present petition is allowed and FIR No. 77/2022 dated 20th May, 2022, registered at P.S. Chankya Puri, Delhi, and all other 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

DECEMBER 9, 2025

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