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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.M.C. 1298/2025, CRL.M.A. 5815/2025, CRL.M.A. 37359/2025
BISWANATH CHAKRABORTY & ANR.Petitioners

Through: Ms. Barkha Chadha, Advocate.

versus

THE STATE GOVT. OF NCT OF DELHI AND ANR.

.....Respondents

Through: Mr. Mukesh Kumar, APP for State
with Mr. Arsalan Naik, Mr. Siddharth
Goyal, Mr. Naveen and Mr. Ajay
Bhardwaj, Advocates.
ASI Mahadeva R., PS-Mahipal Pur
and Insp. Harlash Manu.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER
18.12.2025

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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. 613/2024 dated 24th November, 2024, registered at P.S. Mahendra Park, under Sections 281 and 125(a) of the Bharatiya Nyaya Sanhita, 2023³ (corresponding to Sections 279 and 337 of the Indian Penal Code, 1860⁴), and all consequential proceedings emanating therefrom.

2. The prosecution case emanates from information received regarding a

¹ "BNSS"

² "CrPC"

³ "BNS"



road accident that occurred on 23rd November, 2024, at about 09:00 AM, within the precincts of Azadpur Subzi Mandi, Delhi, near the C-Block toilet. The accident involved a cart loaded with coconut waste (wrappers) being pushed by Respondent No. 2, Batoran Ram, when a car bearing registration No. DL-7-CS-4719, allegedly being driven at a high speed in a rash and negligent manner, came from behind and struck Respondent No. 2, and thereafter hit an electric pole. The said car is stated to be owned by Petitioner No. 2, Jitender Singh, and was allegedly being driven by Petitioner No. 1, Biswanath Chakraborty, at the time of the incident. As a result of the collision, Respondent No. 2 sustained multiple injuries and was removed to BJRM Hospital, Jahangirpuri, for medical treatment. Upon recording the statement of Respondent No. 2 at the hospital, the present FIR came to be registered. Upon completion of investigation, a charge sheet was filed, whereby the offences under Sections 3 and 181 of the Motor Vehicles Act, 1988⁵ have also been invoked.

3. The parties have settled their disputes and differences and executed a Compromise Agreement dated 13th December, 2024. Copy of the agreement is on record and perused by the Court. As per its terms, Respondent No. 2 has mutually resolved all disputes and differences with the Petitioners and has agreed to voluntarily give his no objection to the quashing of the subject FIR. In furtherance of the settlement, the Petitioners agreed to pay a total sum of INR 1,25,000/- to Respondent No. 2 as final settlement amount.

4. On 12th December, 2025, the Court had noted that that the Petitioners had already paid the compensation amount of INR 1,25,000/- to Respondent

⁴ “IPC”

⁵ “MV Act”



No. 2. However, considering the nature of injuries, the Petitioners voluntarily agreed to pay an additional amount of INR 50,000/- and had sought a short accommodation to arrange for the funds.

5. Respondent No. 2, who is present in person, duly identified by the Investigating Officer, has confirmed the settlement and expressed his unequivocal consent to the quashing of the FIR. He confirms that the settlement has been arrived at voluntarily, without any pressure or coercion. He further confirms that he has received the enhanced amount, apart from the amount agreed in terms of the compromise agreement. 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 offence under Section 281 BNS is non-compoundable, while the offence under Section 125(a) BNS is compoundable, albeit with the permission of the Court, and by the person to whom hurt is caused. Further, the offences under Sections 3 and 181 of MV Act are compoundable on payment of an amount, as may be notified by the State Government in the Official Gazette.

7. 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.**⁶ 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

⁶ (2012) 10 SCC 303



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]

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

(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

⁷ (2014) 6 SCC 466



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]

9. In the present case, the allegations pertain to offences under Sections 281 and 125(a) BNS arising out of a road accident. The material placed on record does not *prima facie* indicate any specific or overt act attributable to the Petitioner demonstrating rashness or negligence beyond the factum of the accident itself. The nature of the incident, viewed in its entirety, does not reflect the presence of any aggravating or culpable circumstances and appears to be purely an accident. Further, the injured, Respondent No. 2, has voluntarily settled the matter with the Petitioners and has categorically expressed his unwillingness to pursue the proceedings any further. In such circumstances, where the injured is no longer inclined to support the prosecution, the likelihood of securing a conviction is remote and bleak.

10. Continuation of the criminal proceedings in these circumstances would serve no meaningful purpose and would amount to an unnecessary prolongation of litigation, causing avoidable hardship to the parties and wastage of judicial time. Having regard to the nature of the offences, the *bona fides* of the settlement, and the principles laid down by the Supreme Court, this Court is satisfied that the present case warrants exercise of inherent jurisdiction under Section 528 BNSS (corresponding to Section 482



CrPC) to secure the ends of justice and prevent abuse of the process of law.

11. However, since the State machinery was set in motion based on the impugned FIR, it is appropriate to impose costs on the Petitioner. Accordingly, the Petitioner is directed to deposit costs of INR 5,000/- with the Delhi Police Welfare Fund, within a period of four weeks from today. Proof of deposit be submitted with the concerned Investigating Officer.

12. In view of the foregoing, the present petition is allowed. FIR No. 613/2024 dated 24th November, 2024, registered at P.S. Mahendra Park, and all consequential proceedings emanating therefrom in so far as they relate to the offences under Sections 281 and 125(a) BNS, are hereby quashed. As regards the offences under Sections 3 and 181 of the MV Act, which are compoundable, the Petitioner shall deposit the compounding fee before the concerned Trial Court within a period of six weeks from today. Upon such deposit, the proceedings in respect of those offences shall also stand closed.

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 18, 2025

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