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

+ **W.P.(CRL) 1287/2023**

AJAY SHARMA AND ORS.

....Petitioners

Through: Petitioner No. 3 in person (through
VC).

versus

STATE AND ORS.

.....Respondents

Through: Mr. Yasir Rauf Ansari, ASC for State
with Mr. Alok Sharma, Advocate
with SI Lal Bahadur and SI Ramavtar,
PS-Maidan Garhi.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

13.11.2025

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1. The present 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. 0109/2023 dated 16th March, 2023, registered under Sections 288 and 304A of the Indian Penal Code, 1860³ at P.S. Maidan Garhi, and all consequential proceedings emanating therefrom.

2. The case of the prosecution is as follows: On 16th March 2023, police received information about the death of one Ali Usman at an under-

¹ "BNSS"

² "CrPC"

³ "IPC"



construction building at Khasra No. 328, Aggarwal Farm, Rajpur Khurd Extension, New Delhi, purportedly belonging to Petitioners No. 1 to 4. Petitioner No. 5, namely Sadakat, was a contractor at the said location. The deceased was found lying near the staircase with head injuries and was identified by his brother, Rafi Usman, who had reached the spot after learning of the incident. The body was sent to AIIMS Trauma Centre, and the Crime Team inspected the site and collected exhibits. As per the FIR, the Petitioners failed to ensure basic safety measures at the site, specifically leaving the lift shaft unsecured and constructing the staircase without railings, due to which the deceased purportedly fell and sustained fatal injuries. On these allegations, the impugned FIR was registered.

3. The parties state that they have amicably resolved the matter, and Respondent Nos. 2 to 6 (Respondent Nos. 5 and 6 through their mother, Respondent No. 4, as they are minors) have decided not to pursue the FIR against the Petitioners. A Settlement Deed dated 26th April, 2023, has been executed between the parties to this effect. A copy of the said MoU is on record and perused by the Court. As per its terms, Respondent Nos. 2 to 6 have resolved all disputes and have voluntarily agreed to give their no objection to the quashing of the subject FIR.

4. As per the Settlement Deed, the Petitioners had initially agreed to pay a total sum of INR 11,00,000/- to Respondent Nos. 2 to 6. However, *vide* order dated 18th August, 2025, this Court directed the State to verify whether the compensation being paid to the deceased's dependants was in conformity with the Employees' Compensation Act, 1923, keeping in view the minimum wages applicable in Delhi at the relevant time. In compliance with the said direction, the State filed a detailed Status Report containing the



calculation of compensation payable as INR 15,28,875/-. On 9th October, 2025, the Petitioners agreed to pay the said enhanced amount to the family of the deceased for a complete settlement of the dispute.

5. The dependents of the deceased have appeared before the Court in person (Respondent Nos. 5 and 6 through Respondent No. 4) and have been duly identified by the Investigating Officer. They unequivocally submit that they do not wish to pursue the present proceedings and confirm that their decision to settle the matter is voluntary and free from coercion. They further confirm receipt of the full and final settlement amount from the Petitioners in the following manner:

<i>S. No.</i>	<i>Date</i>	<i>Mode of Payment</i>	<i>Received By</i>	<i>Amount</i>
1.	16 th March, 2023	Cash	Mukeem	50,000/-
2.	21 st February, 2024	DD 220846	No. Mumtaj Bano	2,50,000/-
3.	18 th August, 2025	DD 483361	No. Mumtaj Bano	1,00,000/-
4.	12 th November, 2025	DD 904559	No. Mumtaj Bano	64,625/-
5.	12 th November, 2025	DD 335862	No. Mumtaj Bano	1,87,875/-
6.	12 th November, 2025	DD 335861	No. Mukeem	3,06,000/-
7.	13 th November, 2025	DD 335863	No. Mumtaj Bano	1,33,000/-



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|----|------------------|--------------|-----------------|------------|
| 8. | 13 th | November, DD | No. Mumtaj Bano | 1,32,500/- |
| | 2025 | | 904562 | |
| 9. | 13 th | November, DD | No. Sultana | 3,06,000/- |
| | 2025 | | 335864 | |

6. In view of the above settlement and the fact that the deceased's dependents have received the entire compensation assessed as payable under the Employees' Compensation Act, the Petitioners seek quashing of the FIR and all proceedings arising therefrom.

7. The Court has considered the aforementioned facts and submissions of the parties. Notably, the offences under Sections 288 and 304A are non-compoundable in nature. 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 exercise in futility."

[Emphasis added]

⁴ (2012) 10 SCC 303



8. 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:**

(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

⁵ (2014) 6 SCC 466



him by not quashing the criminal cases.”

[Emphasis Supplied]

9. Although the offences under Sections 288 and 304A IPC cannot be treated as strictly ‘*in personam*’, and they touch upon public concerns rather than being confined to individual grievances, 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.

10. Respondents No. 2 to 6 (Respondents No. 5 and 6 through their mother) have expressed their unwillingness to pursue the matter further and have confirmed the settlement as voluntary and devoid of any coercion. Considering 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.

11. 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 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. 0109/2023 dated 16th March, 2023, registered under Sections 288 and 304A IPC at P.S. Maidan Garhi, and all consequential proceedings emanating therefrom are hereby quashed.

13. Further, to ensure financial stability and long-term welfare of the



deceased's minor children, Respondent No. 4 (mother of Respondents No. 5 and 6) is directed to open *Sukanya Samriddhi Accounts* in the names of the said minors and to deposit a sum of INR 2,00,000/- each in their respective accounts. Respondent No. 4 shall furnish the details of the newly opened accounts along with proof of deposit before the Investigating Officer within four weeks, whereafter the same shall be verified and placed on record before the Trial Court. These amounts shall be strictly utilised for the exclusive benefit of the minor children and shall remain subject to the supervision and control of the concerned Trial Court, which shall be at liberty to issue appropriate directions from time to time to ensure proper utilisation of the funds, till such time they turn adults.

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

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

SANJEEV NARULA, J

NOVEMBER 13, 2025

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