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

+ CRL.M.C. 2107/2019

SHRI RAM CHANDER BARUA @ SONU & ANR.

.....Petitioners

Through: Mr. Adarsh Ganesh, Advocate with
Petitioners (in-Persons).

versus

STATE & ANR.

.....Respondents

Through: Mr. Sandeep Singh Nainwal,
Advocate for R-2 with R-2 (in-
Person).

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

11.07.2025

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1. The present petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (earlier Section 482 of the Code of Criminal Procedure, 1973²) seeks quashing of FIR No. 757/2016 under Sections 287 and 304A of the Indian Penal Code, 1860³, registered at P.S. New Usmanpur, Delhi and all proceedings emanating therefrom.

2. Briefly, the case of the prosecution against the Petitioners is that on 19th September, 2016, on receipt of a PCR Call regarding a person suffering from electric shock, ASI Rajbir reached on the spot and found that the injured person has been taken to JPC Hospital. Upon reaching the hospital, ASI Rajbir was informed that the person, namely Chote Lal, age about 22 years had been in an unconscious state and was subsequently declared

¹ "BNSS"

² "Cr.P.C."



brought dead *vide* MLC No. 5567/16. Thereafter, the impugned FIR was registered under Sections 287 and 304A of the IPC and investigation was taken up.

2.1. During investigation, one VITCO sewing machine and accelerator were seized and taken into police custody. Further, the statement of the brother of the deceased, Mr. Sunil Yadav, was recorded wherein he stated that he along with his brother Amarpal @ Chhote Lal were working as Karigar (tailor) in the factory owned by the Petitioners for the last 3 years. He submitted that the accelerator of the sewing machine used by them was not working properly and this fact was brought to the notice of the owner, however, instead of replacing the accelerator, he simply got the same one repaired. Mr. Sunil Yadav further stated that for sometime, he and his brother returned to their native village, but the deceased Amarpal @ Chhote Lal returned early as the owner of the factory had called him for work. Subsequently, the unfortunate incident occurred, and his brother passed away due to electrocution. Mr. Yadav identified the sewing machine and the accelerator as being the same one which they had asked the owner to replace and stated that his brother died due to the negligence of the Petitioner. On 20th September, 2016, Petitioner No. 1 was arrested and later released on bail.

2.2. During investigation, the mechanical inspection of the seized sewing machine and accelerator was conducted by the Assistant Electrical inspector, Labour Department, GNCTD, who reported as follows:-

2.2.1. The electrical installation had not been installed, maintained and protected in such a manner as to ensure the safety of human beings, animals

³ “IPC”



and property in contravention of the prevalent regulations.

2.2.2. The insulation resistance of the electrical installation of the pedestal switch of the sewing machine was tested with 500 volts Insulation Tester and complete leakage of current was observed.

2.2.3. No earth connection had been provided for the electric power driven sewing machine to protect any leakage of current.

2.3. After completion of the investigation, a chargesheet was filed by the investigating officer before the Trial Court and the case is currently pending.

3. During the pendency of the said proceedings, Respondent No. 2 – i.e., the father of the deceased also filed a claim application before the Dy. Labour Commissioner (District North East) GNCTD under the Employee's Compensation Act, 1923⁴ dated 16th August, 2017, being CEC-D/NE/73/2017/315. In the said proceedings, the Dy. Labour Commissioner held that as per the provisions of the Employees' Compensation Act, the claimant (Respondent No. 2 herein) is entitled to receive compensation of INR 8,85,480/- on account of the death of his son, Amarpal @ Chhote Lal during the course of his employment with the Petitioners.

4. The Petitioners submits that in the meantime, mutual settlement talks took place between them and the family of the deceased and the matter was amicably resolved. In this regard, a Settlement Deed dated 1st April, 2019 has also been executed between Petitioner No. 1 and Respondent No. 2 - Mr. Buddhi Singh. A copy of the said deed has been placed on record and is pursued by the Court.

5. As per the terms of the settlement, the Petitioner No. 1 has agreed to pay a total compensation amount of INR 7 Lakhs to Respondent No. 2 in



lieu of full and final payment of all their claims. On the other hand, as per the settlement, Respondent No 2 has agreed to withdraw the compensation claim filed by him before the Labour Commissioner and has also agreed to cooperate in the present proceedings for quashing of the impugned FIR.

6. Considering the above settlement is for INR 7 Lakhs, whereas the Dy. Labour Commissioner awarded the compensation of INR 8,85,480/- to Respondent no. 2, and further considering the financial condition of Respondent No. 2, the Petitioners agreed to pay an additional sum of INR 2 Lakhs to Respondent No. 2.

7. Today, all parties are present before the Court and are identified by the Investigating Officer. The Petitioners have tendered a Demand Draft bearing no. 997862 dated 5th July, 2025 for the sum of INR 2 Lakhs as additional payment. The said additional payment has been issued in the name of both the deceased's mother and father (Respondent No. 2) and the same has been accepted by Respondent No. 2 for himself as well as his wife. Respondent No. 2 confirms to the Court that pursuant to the Settlement Deed, he had earlier received a sum of INR 7 Lakhs from the Petitioners, and he has now received an additional sum of INR 2 Lakhs today. He further confirms that he has taken the decision to settle the present matter on his own volition, without any pressure, force or undue influence. In light of the above, he states that there are no surviving monetary claims left and as such, he has no objection if the impugned FIR against the Petitioners is quashed.

8. The Court has considered the submissions of the parties. It is noted that the offences under Section 287 and 304A of IPC are non-compoundable, however, it is well settled that in the exercise of its inherent

⁴ "Employee Compensation Act"



powers under Section 482 Cr.P.C. (now Section 528 BNSS), this 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 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

⁵ (2012) 10 SCC 303

⁶ (2014) 6 SCC 466



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 under Section 287 and 304A of the IPC cannot be treated as strictly ‘*in personam*’, and they touched 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. The Complainant in the present case has categorically expressed his unwillingness to pursue the matter further and has 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 482 of the Cr.P.C. to secure the ends of justice.

11. In view of the foregoing, the present petition is allowed FIR No. 757/2016 under Sections 287 and 304A of the IPC, registered at P.S. New Usmanpur, Delhi, as well as all consequential proceedings arising 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 11, 2025

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