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

+ **CRL.M.C. 4196/2025**

VINOD KUMAR PANDIT AND ANR

.....Petitioners

Through: Mr. Rajbir Sagar, Advocate with
Petitioners (in-Persons).

versus

THE STATE (GOVT OF NCT OF DELHI) AND ANR

.....Respondents

Through: Mr. Mukesh Kumar, APP for State.
SI Shivam Sahu, P.S. Krishna Nagar.
Respondent No. 2 (in-Person).

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

25.07.2025

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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. 375/2022 dated 17th June, 2022, registered under Sections 288, 304A and 34 of the Indian Penal Code, 1860³ at P.S. Krishna Nagar and all proceedings emanating therefrom.
2. Briefly stated, the subject FIR was registered against the Petitioners in respect of an incident that occurred on 16th June, 2022, wherein a construction worker employed by the Petitioners died after falling from the

¹ "BNSS"

² "CrPC"

³ "IPC"



4th floor of the under-construction building. In the said FIR, the Complainant alleged that the Petitioners did not provide the construction employees with the requisite safety equipment, due to which the accident occurred.

3. The parties have thus arrived at a settlement as per terms recorded in a settlement deed dated 2nd May, 2023. The deceased is survived by his wife, Smt. Yashoda Devi (Respondent No. 2) and her 4 daughters, 3 of whom are already married and one daughter, who is a minor, is currently living with Smt. Yashoda Devi.

4. A copy of the settlement has been placed on record and perused by the Court. As per its terms, Respondent No. 2 has mutually resolved all disputes and differences with the Petitioner and has agreed to voluntarily give her no objection to the quashing of the subject FIR. In this regard, her Affidavit/ No Objection Certificate is also on record.

5. It is noted that, on the last date of hearing, the Petitioners had voluntarily offered to make an additional payment of INR 2 lakhs to Smt. Yashoda Devi towards full and final settlement. Subject to the encashment of this balance amount, Respondent No. 2 had expressed her no objection to the quashing of the impugned FIR and the proceedings arising therefrom. Furthermore, the Investigating Officer was handed copies of the proof of payments made to Smt. Yashoda Devi (both electronically and in cash) and was directed to file a Status Report confirming the same. The said Status Report has been submitted across the board and is taken on record. It indicates that the entire payment amounting to INR 11,19,000/-, made to the family of the deceased, has been duly verified and confirmed. In light of the amicable settlement between the parties, the Petitioners pray for quashing of the impugned FIR and all proceedings emanating therefrom.



6. The Court has considered the facts and the submissions of the parties. It is noted that the offences under Sections 288 and 304A are non-compoundable. However, it is well settled that in the exercise of its inherent powers under Section 482 of 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

⁴ (2012) 10 SCC 303

⁵ (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]

8. Although the offences under Section 288 and 304A of the 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. The Complainant in the present case has categorically expressed her 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 528 of BNSS (corresponding to Section 482 of CrPC) to secure the ends of justice.

9. In view of the foregoing, the present petition is allowed and FIR No. 375/2022 dated 17th June, 2022, registered under Sections 288, 304A and 34 of IPC at P.S. Krishna Nagar and all proceedings emanating therefrom are hereby quashed.

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

11. It is clarified that the settlement shall not impact the rights of the minor child.

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

SANJEEV NARULA, J

JULY 25, 2025/as