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

+ CRL.M.C. 4198/2025

SATISH KUMAR & ANR.

.....Petitioners

Through: Mr.Sunil Kumar, Mr. Ankit Dixit and
Mr.Surender Kumar, Advocates

versus

STATE OF THE NCT OF DELHI & ANR.

.....Respondents

Through: Mr.Sanjeev Sabharwal, APP with SI
Avneesh Kumar and ASI Chetrapal
Singh, PS Krishna Nagar
Mr.Shiva Jee Shukla, Advocate for R-
2 to 4 with R-2 in person.

CORAM:

HON'BLE MR. JUSTICE ARUN MONGA

ORDER

12.08.2025

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1. Petitioners herein seek quashing of an FIR No. 135/2025 dated 13.03.2025 under section 106(1) of the BNS registered at Police Station Krishna Nagar, Delhi, along with all the proceedings arising thereof, on the basis of the compromise between the parties.
2. Case set up in the petition is that the Petitioner No. 1 runs M/s Dhawan AC Repair at Rajgarh Colony, Delhi. Petitioner No. 2 is his son. Deceased Shri Mohan Lal, an old friend of Petitioner No. 1, was gratuitously allowed to use part of the shop for his own AC repair work. He was not an employee of the Petitioners.
- 2.1 On 12.03.2025, while repairing an AC, it accidentally burst, causing



fatal injuries to Shri Mohan Lal. He was taken to Goyal Hospital but succumbed. Petitioners also paid ₹30,000/- towards his treatment on humanitarian grounds. FIR No. 0135/2025 was lodged at P.S. Krishna Nagar on incorrect information. The legal heirs of the deceased are Respondent No. 2 (wife) and Respondent Nos. 3 & 4 (minor sons).

3. Learned counsel for the petitioner submits that during the pendency of trial, the wife of the deceased victim has entered into a compromise vide deed dated 27.05.2025 which is placed on record (**Annexure P-3**). He further submits that an affidavit of no objection to the quashing, deposed by respondent no. 2, on behalf of herself and her minor children, has also been placed on record. He further submits that there was no culpability of any kind at the time when the unfortunate incident took place at the shop, which is owned by petitioner No.1.

3.1 Learned counsel relies on the judgement of a Co-ordinate Bench of this Court in a similar matter titled ***Sunil Kumar Malhotra versus The State of NCT of Delhi & Anr, (Crl.M.C. 2167/2023)*** wherein the learned Judge undertook a threadbare examination *qua* the very scheme of criminal jurisprudence and accorded indulgence to avoid unnecessary continuation of criminal proceedings which may result in abuse of process of law, even if it is a case of alleged offence under section 304A of the IPC. On the basis of catena of judgements wherein similar view has been taken as has been cited in the abovesaid judgement, the relevant extracts thereof read as below

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10. It is settled principle of law that in cases of non-compoundable offences where the parties have arrived at a settlement, the High Court has inherent power to quash a



criminal proceeding in exercise of powers under Section 482 of the CrPC as well as Article 226 of the Constitution of India. Time and again, it has been reiterated that the inherent powers of the High Court are of a wide plenitude, but in exercise of such powers, the guiding factor has to be – (i) to secure the ends of justice, or (ii) to prevent the abuse of process of any Court. It is also well settled that before proceeding to quash an FIR, the High Court must duly consider the nature and gravity of an offence.

11. After examining the various cases decided by coordinate benches of this Court cited hereinabove and scope of powers under Section 482 of the CrPC, this Court is of the considered opinion that there is no bar to quash an FIR under Section 304A of the IPC in exercise of inherent powers under Section 482 of the CrPC. At this stage, it is also pertinent to observe that Section 320 of the CrPC, which provides for compounding of the offences through legal heirs. Section 320(4) provides as under:

“320. Compounding of offences.—

(4) (a) When the person who would otherwise be competent to compound an offence under this section is under the age of eighteen years or is an idiot or a lunatic, any person competent to contract on his behalf may, with the permission of the Court, compound such offence.

(b) When the person who would otherwise be competent to compound an offence under this section is dead, the legal representative, as defined in the Code of Civil Procedure, 1908 (5 of 1908) of such person may, with the consent of the Court, compound such offence.”

[Emphasis supplied]

Since the scheme of CrPC permits compounding through legal heirs in respect of offences ‘compoundable’ in terms of Section 320 of the CrPC, the extraordinary and inherent powers under Article 226 of the Constitution of India or Section 482 of the CrPC can be invoked to quash FIRs



through legal heirs in cases of non-compoundable cases as well. It would also be significant to note that exercise of such powers may also be justifiable, in a given case, where legal heirs of the deceased, who were otherwise dependent on an income of the latter, would be benefitted on account of monetary compensation or other benefits in terms of the compromise. However, it has also been reiterated that such powers have to be exercised sparingly and with caution.”

4. In the aforesaid backdrop, I have heard the submissions and perused the case file.
5. Respondent no. 2, wife of the victim, is present in Court and on a specific Court query posed to her, she submits that the matter has been settled in terms of the settlement deed without any element of coercion, threat, or undue influence. She further states that she has no objection to quashing of the FIR. She informs that, after the death of her husband, the petitioners have been reaching out the family and have been extending their helping hands as and when required.
6. Learned APP submits that he does not dispute the genuineness of the settlement. However, he would submit that given the nature of offence and also a human life having been lost, it is not a case that this Court should exercise its inherent powers under section 528 of BNSS, as it would convey a wrong message to the public at large and would also be against the societal interest to countenance criminal culpabilities by way of compensation to the victim's family. The same goes against the very scheme of criminal jurisprudence.
7. Having heard the rival contentions and in light of the aforesaid judgement, I am of the view that the facts of the case which are not disputed



by the complainant make out a case of exercising inherent powers under section 528 of the BNSS.

8. The deceased was concededly not an employee of either of the petitioners and he was merely allowed to work gratuitously at their shop as an air conditioner repair mechanic. It was in the course of his attending to one of his clients that the gas pipe of the compressor of the air conditioner bursted leading to his demise.

9. The fact that the petitioners made out all attempts to immediately move him to hospital and also bore all the medical expenses, goes on to show that there was no intention of any kind on their part of either overt or covert, which would attract any criminal culpability on their part.

10. Since the complainant does not wish to press charges against the petitioners and there is no incriminating material against them, the chances of conviction are almost negligible. Further criminal proceedings before the court and continuation of the trial would be an abuse of the process of law, especially where the parties have amicably settled their dispute which does not involve any public interest or interest of the society at large. Continuation of proceedings will be an exercise in futility and wasteful expense of public exchequer.

11. Rather continuation proceedings may result in hostility between the parties and defeat the very purpose of such settlement.

12. Quashing the FIR would, on the other hand, facilitate the parties in maintaining or restoring cordiality. Therefore, the proceedings deserve to be quashed in the exercise of the inherent powers of the Court. Reference may be had to the judgement rendered in ***Gian Singh v. State of Punjab & Anr.*** [(2012) 10 SCC 303] in this context.



13. Taking the wholesome view and the support of the judgement cited herein above and inherent powers under section 528 of the BNSS, the FIR No.135/2025 under section 106(1) of the BNS registered at Police Station Krishna Nagar, Delhi along with all consequential proceedings arising there from are hereby quashed.

ARUN MONGA, J

AUGUST 12, 2025/sv