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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 4388/2025 & CRL.M.A. 19085/2025**
RAVI BARNWAL & ANR.Petitioners

Through: Ms. Deepshikha Dwivedi, Advocate
with Petitioners (in-Persons).
Mr. Babar Ali Khan, Advocate for
Mohd. Umar.

versus

THE GOVT OF NCT OF DELHI & ORS.Respondents
Through: Mr. Mukesh Kumar, APP for State.
SI Jitender Kr., P.S. Nangloi.
Mr. S.R. Yadav, Advocate for
Complainant with (Complainant in-
Person).

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER
14.08.2025

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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. 344/2016 registered at P.S. Nangloi under Sections 287/304A/34 of the Indian Penal Code, 1860³ and all proceedings emanating therefrom.

2. Briefly, the case of Prosecution against the Petitioners emanates from a complaint filed by Respondent No. 2, who is engaged in the work of tying *sariya* (iron rods) for construction purposes. On the day of the incident, Respondent No. 2, along with his colleague Amar Singh was called by

¹ "BNSS"

² "Cr.P.C."



Petitioner No. 1, a contractor of sanitary and timber works, to carry out *sariya* tying work. The Complainant, along with Amar Singh, arrived at the site; while Amar Singh operated an electric glander machine to cut the rods, the Complainant was straightening and handing over the rods. The Complainant alleged that both he as well as Amar Singh informed Petitioner No. 1, the contractor, and Petitioner No. 2, the owner of the house, about an electric current being present in the machine and requested that it be checked by an electrician. However, the Petitioners allegedly ignored the warning, dismissing it as a common occurrence during the rainy season. However, while Amar Singh was cutting *sariya*, he suffered a severe electric shock, and was rushed to Sanjay Gandhi Hospital, Mangolpuri, where the doctor declared him dead. Pursuant to the Complainant's statement, the subject FIR came to be registered. Thereafter, the chargesheet was filed, wherein the Petitioners have been charge-sheeted under Sections 287/304A/34 of the IPC.

3. The parties state that, with intervention of common friends, colleagues and other respectable members of society, Respondent Nos. 2 and 3 (the Complainant and the deceased's wife, respectively) have amicably resolved the dispute with the Petitioners and have decided not to pursue the present FIR against them. Pursuant to this settlement, a Memorandum of Understanding⁴ dated 29th July, 2022⁴ has been executed between the Petitioners and Respondent No. 2.

4. A copy of the MoU has been placed on record and perused by the Court. As per its terms, Respondent No. 3 has mutually resolved all disputes

³ "IPC"

⁴ "MoU"



and differences with the Petitioners and has agreed to voluntarily give her no objection to the quashing of the subject FIR. In furtherance of the settlement, the Petitioners agreed to pay a total sum of INR 4,40,000/- to Respondent No. 3 as final settlement amount.

5. During the course of the proceedings, Respondent No. 3, wife of the deceased, informed this Court that the deceased is also survived by two sons, one a minor and the other a major. In view thereof, the Petitioners have impleaded them as Respondent Nos. 4 and 5 and an amended memo of parties has also been placed on record. The Petitioners also expressed their willingness to enhance the settlement amount by an additional sum of INR 1,00,000/- to be allocated in the names of the sons: INR 75,000/- in favour of Respondent No. 4 (minor son) and INR 25,000/- in favour Respondent No. 5 (major son).

6. Respondent No. 3, who appears before the Court in person, and is identified by the Investigating Officer, unequivocally states that she does not wish to pursue the present proceedings. She confirms that her decision to settle the matter is voluntary and made without any undue influence or coercion. She further states that in terms of the Settlement Agreement, the parties have already received a sum of INR 3,65,000/-. Additionally, in accordance with the Agreement, the Petitioners have tendered the balance amounts of INR 1,25,000/-, INR 37,500/- and INR 12,500/- in favour of Respondent No. 3, Respondent No. 4 and Respondent No. 5 respectively by way of demand drafts, handed over to Respondent No. 3. The same have been duly received and acknowledged by Respondent No. 3. In light of the amicable resolution between the parties, the Petitioners seek quashing of the subject FIR and all proceedings arising therefrom.



7. The Court has considered the submissions of the parties. While the offences under Sections 287 and 304A of the IPC are non-compoundable, it is well settled that in the exercise of its inherent powers under Section 482 CrPC (now 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.**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 an exercise in futility.”

[Emphasis added]

8. 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

⁵ (2012) 10 SCC 303

⁶ (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]

9. Although the offences under Sections 287 and 304A of the IPC cannot be treated as strictly ‘*in personam*’, and 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 and the deceased's wife in the present case have categorically expressed their unwillingness to pursue the matter further and have 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.

10. In view of the foregoing, the present petition is allowed, and FIR No. 344/2016, registered at P.S. Nangloi, as well as all consequential proceedings arising therefrom are hereby quashed.

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

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

SANJEEV NARULA, J

AUGUST 14, 2025

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