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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 4687/2025**
ASHOK BAHL & ANR.Petitioners

Through: Mr. Sanjeev Puri, Senior Advocate
with Mr. Rajinder Singh, Mr.
Moinuddin Khan, Ms. Upasana
Nayyar, Mr. Vibhor Tyagi, Ms.
Sheryll Singh, Ms. Pooja Kasana, Ms.
Riya Verma and Mr. Navjyot Birdi,
Advocates.

versus

STATE OF NCT OF DELHIRespondent

Through: Mr. Ashneet Singh, APP.
SI Rajender Singh, P.S. Kotla
Mubarakpur.
Mr. Kushal Kumar and Mr. Suryansh
Gaur, Advocates for complainant with
Complainant (in-Person).

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER
17.07.2025

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1. The present petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (formerly Section 482 of the Code of Criminal Procedure, 1973²) seeks quashing of FIR No. 363/2015³ registered under Sections 338 of the Indian Penal Code, 1860⁴ at P.S. Kotla Mubarakpur and all proceedings emanating therefrom. Subsequently, chargesheet was filed *qua* the Petitioners under Section 304A of IPC.

¹ "BNSS"

² "Cr.P.C."

³ "the impugned FIR"

⁴ "IPC"



2. Briefly, the case of the prosecution is as follows:

2.1. On 23rd March, 2015 DD No. 43-B was recorded at P.S. Kotla Mubarakpur, upon receipt of information that one Jayashankar had sustained a head injury due to a heavy object falling on him, and had been admitted to AIIMS Hospital. The MLC noted: *“History of falling heavy object on the head, history of unconsciousness, history of ENT bleeding.”* Based on the contents of the MLC and the circumstances reported from the site of incident, the present FIR was registered under Section 338 of IPC.

2.2. During investigation, it was found that the deceased used to work as a driver in Platoon Securities Private Limited located at F-41, Wills Lifestyle Showroom, South Ex-1, Delhi-110049. A public witness, Shashi Ranjan, in his statement recorded during investigation, stated that a customer informed him that someone was lying in the gallery of the building. On checking, he discovered that it was Jayashankar. He further stated that there were stone pieces lying around Jayashankar’s head, and upon examining the wall of the adjacent property, F-40, South Extension-I, New Delhi-110049, it appeared that a stone tile had fallen from that building. Since Jayashankar was bleeding from his head, Shashi Ranjan immediately rushed him to AIIMS Hospital.

2.3. Investigation revealed that the accident had occurred due to lack of maintenance of the said building. Accordingly, the owners of the premises, including the Petitioners herein, were implicated on the allegation that they had failed to discharge their duty of care to ensure the safety and upkeep of the structure. On this basis, a chargesheet was filed against them under Section 304A of IPC.

3. The present petition has been filed on the ground that the dispute has



been amicably resolved between the Petitioners and the legal heirs of the deceased. As part of the settlement, the Petitioners have paid a sum of INR 13,00,000/- to Sunita Devi, the widow of the deceased. An acknowledgment of receipt of this compensation has been annexed with the petition.

4. During the course of the submissions, Mr. Sanjeev Puri, Senior Counsel for Petitioners, on instructions, states that taking into account the age of the deceased, his wages, and number of dependents, the compensation, as per the provisions of the Employees' Compensation Act, 1923, would amount to INR 17,99,600/-. However, he states that the Petitioners are voluntarily, on humanitarian grounds, willing to enhance the compensation and pay a consolidated sum of INR 20,50,000/- to the family of the deceased in full and final settlement of all their claims and entitlements.

5. The Court has considered the afore-noted facts and submissions and has interacted with Sunita Devi, who is present in Court and duly identified by the Investigating Officer. She confirms the payment of INR 13,00,000/- and gives her no objection to the quashing of the present FIR, subject to receipt of further payment of INR 7,50,000/- to this effect.

6. Notably, an offence under Section 304A of IPC is non-compoundable. It is well settled that in the exercise of its inherent powers under Section 482 Cr.P.C (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 supplied]

7. 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 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

⁵ (2012) 10 SCC 303

⁶ (2014) 6 SCC 466



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. From the above extracts, it is evident that 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 482 of the Cr.P.C. to secure the ends of justice.

9. In view of the foregoing, the present petition is allowed and the impugned FIR No. 363/2015 as well as all consequential proceedings arising



therefrom are hereby quashed subject to payment of additional payment of INR 7,50,000/-, to be disbursed in the following manner:

- a) A sum of INR 2,50,000/- shall be paid to the mother of the deceased by way of a demand draft;
- b) A sum of INR 2,50,000/- shall be paid to the major son of the deceased by way of a demand draft;
- c) A sum of INR 2,50,000/- shall be paid to the minor son of the deceased, to be secured by way of a fixed deposit in his name.

10. With the above directions, the present petition, along with pending application(s), is disposed of.

11. List before the Joint Registrar for compliance on 01st August, 2025.

SANJEEV NARULA, J

JULY 17, 2025

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