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

+ **CRL.M.C. 4745/2025 & CRL.M.A. 20560/2025**

RAVINDER SHARMA

.....Petitioner

Through: Mr. Akash Garg, Ms. Aashi,
Advocates with Petitioner in person

versus

STATE OF NCT OF DELHI AND ANR

.....Respondents

Through: Mr. Hemant Mehla, APP for the State
with SI Vikas Kumar, SI Harish
Hooda, PS Keshav Puram
Mr. Arun Sharma, Advocate for R-2
with Respondent No. 2 in person

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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16.09.2025

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. 444/2022 under Sections 288/304A of the Indian Penal Code, 1860³, registered at P.S. Keshav Puram and all proceedings emanating therefrom.

2. Briefly, the case of the Prosecution emanates from a complaint filed by Respondent No. 2, alleging that on 25th April, 2022, her husband, Ajay Pal, was sitting outside their house in a *chowk*, when the wall of the adjacent

¹ "BNSS"

² "Cr.P.C."

³ "IPC"



house collapsed into the *chowk*. As a result, he was trapped under the debris and sustained serious injuries. Though the Complainant immediately took him to the hospital, he was declared “brought dead”. She further alleges that, since moving into the house, she had repeatedly raised concerns, both personally and through her landlord, with the owner of the adjacent house (the Petitioner), stating that his wall lacked structural support and requesting either its removal or the construction of a supporting structure. However, these concerns were ignored, ultimately resulting in the collapse of the wall and the tragic death of her husband. Consequently, based on the Complainant’s statement, the subject FIR was registered. Upon conclusion of investigation, chargesheet was filed against the Petitioner for the aforementioned offences.

3. The Petitioner states that, with the intervention of family members and respectable members of society, Respondent No. 2 has resolved the dispute, and has decided not to pursue the present FIR against him. Pursuant to this settlement, the parties had executed a Compromise Deed dated 28th May, 2025, whereby the Petitioner had agreed to pay a settlement amount of INR 4,75,000/- to the Complainant, who, in turn, had agreed to give no objection to the quashing of the subject FIR.

4. However, noting that the deceased is survived not only by his wife but also by two dependent children, the Petitioner, on 27th August, 2025, agreed to increase the compensation amount to INR 8,50,000/-. In furtherance of this, an additional Compromise Deed dated 26th August, 2025 was executed between the Petitioner and Respondent No. 2, a copy whereof has been placed on record and perused by the Court. As per its terms, the Petitioner has agreed to pay a settlement amount of INR 8,50,000/- to



Respondent No. 2, who in turn, has resolved all her disputes and differences with the Petitioner and has agreed to voluntarily give her no objection to the quashing of the subject FIR.

5. In view of the settlement, the Complainant, who has appeared before the Court and is identified by the Investigating Officer, unequivocally states that she does not wish to pursue the FIR proceedings. She confirms that her decision to settle the matter is voluntary and made without any undue influence or coercion. She further acknowledges that she has already received a sum of INR 1,30,000/- from the Petitioner. Additionally, the Petitioner has created two fixed deposits in favour of the deceased's minor children, Aarti and Shanu, for INR 2,00,000/- each. The balance amount has been tendered to Respondent No. 2 during the proceedings today, comprising INR 25,000/- in cash and INR 2,95,000/- *via* demand draft (DD No. 116158) drawn on Canara Bank. This amount has been received and acknowledged by Respondent No. 2, with copies of the demand draft and cash receipt taken on record. In light of the amicable resolution between the parties, the Petitioner seeks quashing of the subject FIR and all proceedings arising therefrom.

6. The Court has considered the submissions of the parties. While the offences under Sections 288 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.*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 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

⁴ (2012) 10 SCC 303

⁵ (2014) 6 SCC 466



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 offence under Section 304A of the IPC cannot be treated as strictly ‘*in personam*’, and it touches 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.

9. 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.

10. In view of the foregoing, the present petition is allowed, and FIR No. 0444/2022, registered at P.S. Keshav Puram and all proceedings emanating 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(s).

SANJEEV NARULA, J

SEPTEMBER 16, 2025/ab