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

+ **CRL.M.C. 4846/2025 & CRL.M.A. 21011/2025**

NISHCHAY GUPTA

.....Petitioner

Through: **Mr. Sahil Malik, Advocate.**

versus

THE STATE NCT OF DELHI AND OS

.....Respondents

Through: **Mr. Mukesh Kumar, APP for the State.**

SI Sandeep Kumar, PS: Alipur.

Mr. Aditya Jain, Advocate for R-2 to 5.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

23.07.2025

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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. 138/2017 dated 18th April, 2017³ under Sections 279/337/338/304A of the Indian Penal Code, 1860⁴, registered at P.S. Alipur and all proceedings emanating therefrom.

2. Briefly stated, the case of the Prosecution is that the Petitioner was driving a vehicle carrying Respondents No. 3 to 5 and the Victim (Respondent No. 2's son) as passengers when an accident occurred near

¹ "BNSS"

² "Cr.P.C."

³ "impugned FIR"

⁴ "IPC"



Sindhu Border, Khampur village on G.T. Road, Delhi. The vehicle veered off the road and collided with a Neem tree, resulting in the death of the Victim and severe injuries to the Petitioner and Respondents No. 3 to 5, all of whom were subsequently hospitalized for treatment. An unknown caller reported the car accident to P.S. Alipur, Delhi and accordingly, the impugned FIR was registered. Subsequently, the chargesheet was filed, wherein the Petitioner has been charge-sheeted under Sections 279/337/338/304A of the IPC.

3. The Petitioner states that he has known Respondent Nos. 3 to 5, as well as the deceased, since childhood, and that they have all been close friends since then. He states that with the intervention of family friends, colleagues and other respectable members of society, Respondents No. 2 to 5 have amicably resolved the dispute with the Petitioner, and have decided not to pursue the impugned FIR against him. Pursuant to this settlement, a Settlement Agreement dated 09th July, 2025, was executed between the Petitioner and Respondents No. 2 to 5.

4. A copy of the Settlement Agreement has been placed on record and perused by the Court. As per its terms, Respondents No. 2 to 5 have mutually resolved all disputes and differences with the Petitioner and have agreed to voluntarily give their no objection to the quashing of the impugned FIR.

5. Respondents No. 2 to 5, who appear in person and are identified by the Investigating Officer, state that they do not wish to pursue the FIR proceedings. They submit that the incident in question was a tragic accident and was not because of any negligence of the Petitioner, and they do not hold the Petitioner responsible for the accident. Respondents No. 2 to 5 have



also stated that they have neither received, nor seek any monetary consideration as part of this settlement. Particularly, Respondent No. 2, the father of the victim has clarified that he has been awarded a compensation amount of INR 10,00,000/- by the Motor Accidents Claims Tribunal and does not seek any additional compensation. He too has stated that he does not hold the Petitioner responsible for the death of his son (Victim). In light of the amicable resolution between the parties, the Petitioner seeks quashing of the impugned FIR and all proceedings arising therefrom.

6. The Court has considered the submissions of the parties. While the offences under Sections 279 and 304A of IPC are non-compoundable, Sections 337 and 338 of the IPC are compoundable by the person to whom hurt is caused, with the permission of the Court. It is well settled that in the exercise of its inherent powers under Section 482 of CrPC (now Section 528 of 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

⁵ (2012) 10 SCC 303



an exercise in futility.”

[Emphasis added]

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 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

⁶ (2014) 6 SCC 466



and extreme injustice would be caused to him by not quashing the criminal cases.”

[Emphasis Supplied]

8. Although the offences under Sections 304A and 279 of 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 parties 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.

9. However, since the State machinery was set in motion based on the impugned FIR, the ends of justice will be met if the Petitioner is put to cost.

10. In view of the foregoing, the present petition is allowed and FIR No. 138/2017, P.S. Alipur, and proceedings arising therefrom are hereby quashed, subject to payment of a cost of INR 20,000/- with the Delhi Police Welfare Fund. The proof of payment be furnished to the concerned IO.



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

JULY 23, 2025
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