



\$~27

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

+ CRL.M.C. 5098/2025

MOHAMMAD ASIF

.....Petitioner

Through: Mr. Ankit Kansal, Advocate with
Petitioner in person.

versus

THE STATE NCT OF DELHI AND ANRRespondents

Through: Mr. Hemant Mehla, APP for State
with Mr. Harswaroop, ASI, PS-Sarai
Rohilla.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

20.08.2025

%

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. 241/2024, under Section 304A of the Indian Penal Code, 1860³, registered at P.S. Sarai Rohilla and all proceedings emanating therefrom.

2. Briefly stated, the case of the Prosecution against the Petitioner is that a General Diary entry was received at Police Station Sarai Rohilla pursuant to a PCR call, informing that one person, namely Mustafa, aged about 30 years, had died due to electric shock while at work. Acting upon the said information, the ASI visited MGS Hospital, Rohtak, where it was ascertained that the deceased had been brought dead, with the purported history of electrocution while operating a molding machine at Vikas Plastic Line, situated at Plot No. 189, Phase 2, Shahzadabagh, Inderlok.

¹ "BNSS"

² "Cr.P.C."

³ "IPC"



Consequently, the subject FIR was registered. The Petitioner, is the owner of the molding unit where the deceased was employed.

3. The Petitioner states that, with the intervention of common friends, colleagues and other respectable members of society, he has amicably settled the dispute with Respondent No. 2, the mother and the only legal representative of the deceased. In terms of the settlement, the Petitioner agreed to pay a sum of ₹6,50,000/- to Respondent No. 2. In addition, the Petitioner also bore various incidental expenses, including those incurred for transporting the deceased's body, arranging food after burial, etc., amounting to approximately ₹72,000/-.

4. However, taking note of the compensation payable under the Employees' Compensation Act, 1923, counsel for the Petitioner, on the previous occasion, sought time to obtain instructions regarding the possibility of enhancing the settlement amount. Pursuant thereto, the Petitioner has now agreed to pay an additional sum of ₹3,00,000/- to Respondent No. 2, thereby enhancing the total settlement amount to ₹10,22,000/-.

5. In view of the settlement, Respondent No. 2, 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 states that in terms of the settlement, she has already received a sum of INR 6,50,000/- as well as 72,000/- paid for various expenses. Additionally, in accordance with the Agreement, the Petitioner has tendered the balance amount, of which INR 2,50,000/- by way of a demand draft bearing DD No. 504438 dated 18th August, 2025 drawn on



ICICI Bank in the name of Respondent No. 2. The balance amount of INR 50,000/- has been tendered by way of cash, making the cumulative settlement amount to be 10,22,000/-. The same have been duly received and acknowledged by Respondent No. 3. A copy of the aforesaid DD as well as the cash receipt have been handed over across the board, and are 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 offence under Section 304A of the IPC is 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 Supplied]

7. Further, in **Narinder Singh & Ors. v. State of Punjab & Anr.**,⁵ the

⁴ (2012) 10 SCC 303

⁵ (2014) 6 SCC 466



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 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. Respondent No. 2 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 FIR No. 241/2024, registered at P.S. Sarai Rohilla, as well as all consequential proceedings arising therefrom are hereby quashed.

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

11. Accordingly, the petition is disposed of along with pending application(s).

SANJEEV NARULA, J

AUGUST 20, 2025/nk