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

+ **W.P.(CRL) 2423/2025**

PANKAJ KOCHHAR & ANR.

.....Petitioners

Through: Mr. C.M Grover, Mr. Shivam
Upadhyay, Advocates with
Petitioners in person

versus

THE STATE OF NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Sanjay Lao, Standing Counsel for
the State with SI Sandeep Kumar, PS
PIA, Delhi
Ms. Payal Bhudiraja, Ms. Kashish
Dhawan, Advocates for R-2 with
Respondent No. 2 in person

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

06.08.2025

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1. The present petition under Article 226 of the Constitution of India read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (earlier Section 482 of the Code of Criminal Procedure, 1973²) seeks quashing of FIR No. 362/2025,³ registered under Sections 289 and 106 (1) of the Bharatiya Nyaya Sanhita, 2023,⁴ at P.S. Patparganj Industrial Area and all proceedings emanating therefrom.

2. The case of the Prosecution, in brief, is that, on 2nd June, 2025, the

¹ "BNSS"

² "Cr.P.C."

³ "the impugned FIR"



deceased, Shashi Bhushan Singh, was working as a labourer in the cable factory situated at Plot No. 177, Patparganj Industrial Area, Delhi, owned by Hare Krishna Conductor Pvt. Ltd. through its proprietors, Pankaj Kochhar and Tushar Kochhar. While shifting cable bundles from the second floor to the ground floor using a goods lift, the deceased attempted to manually adjust the hoist cable when it failed to operate. At that moment, the lift suddenly descended, trapping him on the first floor and causing fatal injuries. It is alleged that the lift, installed three to four months earlier, was unsafe, uncovered from all sides, and operated without a trained lift operator, in contravention of safety norms. The injured was taken to Max Hospital, Patparganj, where he succumbed during treatment. Based on the DD entry, site inspection, and medico-legal report, the police registered the impugned FIR, attributing criminal negligence to the Petitioners.

3. The parties state that, with the intervention of common friends, colleagues and other respectable members of society, Respondent No. 2 (wife of the deceased), who is the only dependant of the deceased, has amicably resolved the dispute with the Petitioners and has decided not to pursue the present FIR against them. Pursuant to this settlement, a Settlement Agreement dated 22nd July, 2025, has been executed between the Petitioners and Respondent No. 2. A copy of the settlement agreement is placed on record and perused by the Court.

4. As per the terms of the settlement, the Petitioners agreed to pay a lump sum of INR 6,00,000/- to the Respondent No. 2 as full and final compensation, along with providing employment in their company for a period of 10 years, with a fixed monthly remuneration of INR 12,000/-. The

⁴ “BNS”



employment will commence from 1st June, 2026, however, the Petitioners have undertaken to pay the monthly remuneration from June 2025 to May 2026 even without physical attendance. Respondent No. 2, in turn, agreed to cooperate in the quashing of the impugned FIR.

5. Respondent No. 2, who is present in Court and identified by the Investigating Officer, confirms that she has voluntarily and without any pressure or coercion from anyone, settled all her issues and disputes with the Petitioner and executed the Settlement Agreement. The total settlement amount of INR 6,00,000/- is handed over to Respondent No. 2 in Court by way of a Demand Draft bearing No. 003536 dated 5th August, 2025. A copy of the said DD is handed across the board and taken on record. Respondent No. 2 acknowledges the receipt of the DD and states that she has no objection to the quashing of the impugned FIR, subject to Petitioner adhering to the terms as recorded in the Settlement Agreement dated 22nd July, 2025. A no-objection certificate to this effect is also on record. In light of the foregoing, the Petitioners seek quashing of the impugned FIR and all proceedings arising therefrom.

6. The Court has considered the submissions of the parties. It is noted that the offences under Sections 106(1) and 289 BNS are non-compoundable. However, It is well settled that in the exercise of its inherent powers under Section 528 BNSS (formerly Section 482 Cr.P.C.), 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]

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.

⁵ (2012) 10 SCC 303

⁶ (2014) 6 SCC 466



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 offences under Section 106(1) and 289 of the BNS cannot be treated as ‘*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 wife of the victim 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 528 of the BNSS to secure the ends of justice.

9. In view of the foregoing, the present petition is allowed and the impugned FIR No. 362/2025, registered at P.S. Patparganj Industrial Area and all proceedings emanating 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 6, 2025/ab