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

+ **CRL.M.C. 6300/2025**

DEEPANSHU AND ANR

.....Petitioners

Through: *Appearance not given.*
Father of the Petitioner in person.

versus

STATE NCT OF DELHI AND ORS

.....Respondents

Through: Mr. Hemant Mehla, APP for State
along with SI Sahil, PS Budh Vihar
and SI Sumit Tomar, PS Aman Vihar.
Complainants are in person.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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28.11.2025

1. The present petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (corresponding to Section 482 of the Code of Criminal Procedure, 1973²) seeks quashing of FIR No. 0505/2023, registered at P.S. Budh Vihar under Sections 279/304A of the Indian Penal Code, 1860³ and all consequential proceedings emanating therefrom.
2. The case of the prosecution is that on 28th October, 2023, at about 8:15 p.m., Petitioner No. 1 was riding a scooty near Sector-5, Rohini which alleged that he was driving in a rash and negligent manner, resulting in the

¹ "BNSS"

² "CrPC"

³ "IPC"



scooty hitting a pedestrian, namely Bodhan Shah, who sustained grievous injuries. The injured was taken to BSA Hospital, where he was declared “brought dead.” On the basis of this incident, the subject FIR was registered.

3. The parties, with the intervention of common friends, relatives and other respectable members of society have settled the matter. Respondent Nos. 2-6 (widow and sons of the deceased) have decided not to pursue the present FIR against the Petitioners. In furtherance of this settlement, the parties have executed a Memorandum of Understanding dated 25th August, 2025, copy whereof has been placed on record and perused by this Court.

4. The MoU reflects that Respondent No. 2 (widow of the deceased) had also initiated proceedings before the Motor Accidents Claims Tribunal, which were later referred to the Lok Adalat, where an award of INR 3,00,000/- was passed in her favour. The Petitioners thereafter enhanced this compensation amount to INR 4,00,000/-. In terms of the settlement, the legal heirs of the deceased have agreed to accept the enhanced compensation and have consented to the quashing of the FIR.

5. Respondent Nos. 2-6, who appear in person and are identified by the Investigating Officer, state that they do not wish to pursue the FIR proceedings. They confirm that their decision to settle the matter is voluntary and made without any undue influence or coercion. They further confirm that as per the terms of the settlement, they have already received an amount of INR 1,00,000/- from Petitioner No. 2 [Petitioner No. 1’s father]. The balance amount of INR 3,00,000/- (1,00,000/- by cash and 2,00,000/- by DD) has been handed over to the Respondents during the course of the proceedings. The same is duly received and acknowledged by them. Copies of the cash receipt and demand draft have also been placed on record. In



light of the amicable resolution between the parties, the Petitioners seek 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 279 and 304A of 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:

⁴ (2012) 10 SCC 303

⁵ (2014) 6 SCC 466



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 offences under Sections 279 and 304A of the IPC cannot be treated as strictly ‘*in personam*’, and 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.

9. The deceased's legal heirs in the present case have 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 528 BNSS (corresponding to Section 482 CrPC) to secure the ends of justice.

10. In view of the foregoing, the present petition is allowed, and FIR No. 0505/2023, P.S. Budh Vihar, as well as all consequential proceedings arising 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

NOVEMBER 28, 2025/MK