



\$~34

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 2859/2025 & CRL.M.A. 26793/2025**
NISHANT TYAGI AND ORS.Petitioners

Through: Ms. Akshita Harjai and Mr. Ishan
Srivastava, Advocates with Petitioner
No. 1 (in-Person) and Petitioners No.
2 to 4 (in-Persons).

versus

GOVT, OF NCT OF DELHI AND ANR.Respondents
Through: Mr. Sanjay Lao, SC (Crl.) with Mr.
Abhinav Garg and Mr. Aryan
Sachdeva, Advocates for State.
SI Jyoti, P.S. Maurice Nagar.
Respondent No. 2 (in-Person).

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER
25.09.2025

%

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. 02/2025 dated 9th January, 2025, registered under Sections 290/125(a) of the Bharatiya Nyaya Sanhita, 2023³ at P.S. Maurice Nagar, Delhi and all consequential proceedings emanating therefrom.
2. The Prosecution's case arises from a complaint lodged by Respondent No. 2, a labourer employed at the construction site of Daulat Ram College. Petitioner Nos. 1 and 2 were contractors at the site, while Petitioner Nos. 3

¹ "BNSS"

² "CrPC"

³ "BNS"



and 4 were engaged as site engineers. The Complainant alleged that, despite repeated requests, the Petitioners failed to provide safety gear or protective equipment to the labourers, thereby creating an unsafe work environment prone to causing injuries. On 6th January, 2025, while the Complainant was preparing *masala*/concrete on the third floor of the site, he went to fetch water and stepped onto shuttering plates lying nearby. One of these plates allegedly slipped, causing him to fall onto an iron rod (*sariya*) on the second floor, which pierced the right side of his chest. He also sustained injuries to his thigh. Upon medical examination, the MLC recorded lacerated wounds on the right side of his chest and on the posterior aspect of his thigh. Based on the Complainant's statement and the findings recorded in the MLC, the subject FIR came to be registered.

3. Now, Respondent No. 2 has amicably resolved the dispute with the Petitioners, and has decided not to pursue the present FIR against them. A Settlement Agreement dated 17th June, 2025, has been executed between the parties, a copy whereof has been handed over across the board, and is taken on record. As per the terms of the Settlement Agreement, the Petitioners have agreed to pay a sum of INR 3,10,000/- to Respondent No. 2 towards compensation for the injuries, pain, and suffering sustained by him. In turn, Respondent No. 2 has resolved all disputes and differences with the Petitioners and has voluntarily agreed to give his no objection to the quashing of the subject FIR.

4. The Complainant, who is present in Court and duly identified by the Investigating Officer, unequivocally states that he does not wish to pursue the FIR proceedings. He affirms that his decision to settle the matter is voluntary and free from any coercion or undue influence. He further



confirms that, in terms of the Settlement Agreement, he has already received INR 1,00,000/- from the Petitioners, while the balance sum of INR 2,10,000/- has been tendered through two demand drafts of INR 90,000/- and INR 1,20,000/-, which he has duly received and acknowledged. In view of the amicable resolution of the dispute, the Petitioners pray for quashing of the subject FIR and all consequential proceedings.

5. The Court has considered the submissions of the parties. While the offence under Section 290 of BNS is non-compoundable, Section 125(a) of the BNS is compoundable in certain cases, with the permission of the Court.

6. 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 exercise in futility.”

[Emphasis added]

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. 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 his unwillingness to pursue the matter further and has confirmed the settlement as voluntary and devoid of any coercion. The terms of the settlement have already been partly acted upon, and the balance consideration has been tendered before this Court. 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. 02/2025, P.S. Maurice Nagar, 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

SEPTEMBER 25, 2025

as