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

+ CRL.M.C. 7005/2025, CRL.M.A. 29456/2025, CRL.M.A. 29457/2025 & CRL.M.A. 29458/2025

LALIT GOEL

.....Petitioner

Through: Mr. Rajiv Raheja, Advocate.

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Sanjeev Sabharwal, APP for State along with Mr. Mahesh Sisodia and Mr. Vinod Kumar, Gupta, Advocates. SI Dharamveer, PS Chanakyapuri and SI Deepak Dhanda, PS Govindpuri.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

06.10.2025

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1. The present petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (formerly Section 482 of the Code of Criminal Procedure, 1973¹) assails the order dated 03rd June, 2025, passed by ASJ-07, New Delhi District, Patiala House Courts, dismissing Criminal Revision No. 467/2024 preferred by the Petitioner against the order dated 6th July, 2024, of JMFC-02, Patiala House Courts, New Delhi, dismissing the Petitioner's discharge application in FIR No. 14/2018, P.S. Chanakya Puri, for offences under Sections 279/304A of the Indian Penal Code, 1860².

2. The essential facts of the case are as follows:

¹ "Cr.P.C."



2.1. On 17th February, 2018, an accident occurred on Panchsheel Marg, Shanti Path, New Delhi, involving a car allegedly driven by the Petitioner and a motorcycle ridden by the injured, Satyanarayan, accompanied by his colleague, Dayaram Nagar. The impact caused the rider to fall and sustain injuries that were recorded in an MLC. The initial MLC did not record any fatal or grievous injury sufficient to cause death in the ordinary course; it merely noted a “history of road traffic accident” with no loss of consciousness, no vomiting, and no external bleeding except for an abrasion.

2.2. A daily diary entry No. 22A was registered at P.S. Chanakyapuri, and the injured’s statement was recorded the same day attributing the fall to contact with car No. HR-02AF-0110. Soon thereafter, the parties executed a written compromise signed by the Petitioner, the injured Satyanarayan, and the eyewitness Dayaram, indicating that the matter stood amicably resolved.

2.3. Two days later, on 19th February, 2018 the victim was again admitted to the hospital. Subsequently, on 1st March, 2018, another information was received at P.S. Chankaya Puri, which was recorded vide DD entry no. 25A, noting that Satyanarayan had died during treatment at RML Hospital, New Delhi. The police registered the subject FIR and recorded the statement of eye witness Dayaram and filed a chargesheet under Sections 279 and 304A IPC.

2.4. The accused sought discharge before the Trial Court, contending absence of a proximate causal link between the accident and the death and emphasizing the time gap to demise. By order dated 06th July, 2024, the Trial Court dismissed the discharge application of the Petitioner.

2.5. A criminal revision (CR No. 467/2024) was instituted by the

² “IPC”



Petitioner before the ASJ, pressing the same grounds. However, by order dated 3rd June, 2025, the revision was dismissed with a finding of sufficient material to frame notice under Sections 279 and 304A IPC.

3. Aggrieved by the above noted outcome, the Petitioner has invoked the inherent jurisdiction of this Court to assail the impugned order dated 03rd June, 2025.

4. Mr. Rajiv Raheja, Counsel for the Petitioner, has advanced several submissions which are summarized as follows: -

4.1. The FIR was registered only after the later intimation of death and not contemporaneously with the incident, and on the day of the occurrence itself, the injured and the Petitioner executed a written compromise indicating no desire for police action. This clearly reflects that the incident did not involve rash or negligent driving warranting criminal process.

4.2. The MLC No. 35355/2018 dated 17th February, 2018, records road traffic accident history with no loss of consciousness, no vomiting, no external bleeding, and only an abrasion on the inner left leg. The victim was discharged on the same day, indicating absence of any life-threatening injuries from the accident.

4.3. The subsequent admission on 19th February, 2018, and the death on 01st March, 2018, described as “sudden collapse” are not medically connected to the first MLC and there is no post-mortem or expert opinion drawing a causal nexus to the incident. In these circumstances, the chain of causation for Section 304A IPC is not made out.

4.4. The charges framed are contrary to the legal principles enunciated by



the Supreme Court in (i) *Union of India Vs. Bal Mukund*³ (ii) *Dilawar Balu Kurane Vs. State of Maharashtra*.⁴

4.5. Considering the 11-day gap between the incident and the death, coupled with the initial MLC showing no head injury or internal trauma, the prosecution case rests on conjecture rather than a direct, proximate link, and thus does not raise even a *prima facie* grave suspicion to warrant putting the Petitioner on trial under Sections 279/304A IPC.

4.6. The essential ingredients of Sections 279 and 304A IPC are not disclosed from the record, as neither rash/negligent driving nor a direct and proximate causal link between the incident and the death is shown.

Analysis and Findings

5. The Court has considered the submissions advanced by the Petitioner. At the outset it is important to underscore that the present petition, though filed under Section 528 BNSS, in substance, seeks a re-examination of a revisional order passed by the Sessions Court. Such an exercise would, in effect, amount to invoking the inherent jurisdiction of this Court to pursue what is essentially a second revision, a course expressly barred by law. Section 397(3) of Cr.P.C. provides in categorical terms that where a revision has been preferred by any person either before the High Court or before the Sessions Judge, no further revision by the same person shall lie before the other.

6. The Supreme Court has consistently held that a litigant cannot bypass the bar under Section 397(3) by invoking the High Court's inherent powers.

³ (2009) 12 SCC 161

⁴ (2002) 2 SCC 135



In **Rajinder Prasad v. Bashir**,⁵ relying on its earlier decision in **Krishnan v. Krishnaveni**,⁶ held that where a second revision is barred under Section 397(3) Cr.P.C., a party cannot resort to invoking the inherent powers of the High Court under Section 482 to circumvent this statutory bar, as such an exercise would undermine the object and intent of the provision. The Supreme Court, in **Kailash Verma v. Punjab State Civil Supplies Corporation & Anr.**,⁷ further emphasized that the power under Section 482 shall not be utilised as a substitute for a second revision, and can only be exercised in cases of grave miscarriage of justice, abuse of the court's process, violation of mandatory legal provisions, or where the High Court deems it necessary to correct an error committed by the revisional court.

7. Notwithstanding the above jurisdictional bar, this Court has, in the interest of completeness, examined the grounds urged by the Petitioner. It is appropriate first to note the reasoning adopted by the revisional court in the impugned order, which reads as under : -

"15. At the outset, it is important to clarify the procedural position. The case against the revisionist is a summon-triable case. In the scheme of Code of Criminal Procedure 1973, there is no formal stage for framing of a charge in a summon case triable before a Magistrate. Consequently, the law does not ordinarily contemplate an order of discharge in such summons case. If the Magistrate finds no case against the accused in a summon trial, the appropriate courts would acquit the accused after recording evidence under Section 255 of the Cr.P.C. or to stop the proceedings under Section 258 of the Code (if the case is instituted otherwise or than on complaint)."

16. Nonetheless, courts have recognized that even in summons case, in rare and exceptional situations, the proceedings can be dropped or terminated at an early stage to prevent abuse of process. The revisionist court must therefore examine whether the present case was one such baseless prosecution that deserved to be dropped at inception. or whether the trial court was correct in finding that the matter should proceed.

17. Evaluating the case at hand against the above legal yardsticks, this court

⁵ (2001) 8 SCC 522.

⁶ (1997) 4 SCC 241.

⁷ (2005) 2 SCC 571.



is of the view that the prosecution case was rightly found to be *prima facie* sustainable by the Ld, Trial Court. The incident in question resulted in the victim's death and the material gathered in investigation provide a foundation to connect that outcome to the revisionist's action.

18. Notably, the postmortem report of the deceased opines that the cause of death was attributable to blunt force trauma consistent with injuries from a road accident. This medical opinion directly supports the prosecution's theory that the injuries inflicted on 17.02.20 18, which eventually caused fatal complications. It is a settled position of law that for an offence under Section 304A of I.P.C., the death of a person must be direct or proximate result of the rash or negligent act of the accused. In the case of **Bhalchandra @ Bapu and anothers Vs. State of Maharashtra**, AIR 1968 SC 1319, the Hon'ble Supreme Court of India observes that:

"Section 304A of IPC requires causing of death by rash or negligent act, which means that the death must be the direct or proximate result of the rash or negligent act."

19. The Ld. Counsel for the revisionist argues that the 15 days interval between injury and death negates proximate cause. This argument, however, cannot be accepted at its face value without examining the medical witnesses. It is medically conceivable that a person may succumb to latent internal injuries or complications days or weeks after the accident. The determination of a causal link is a matter of expert evidence. Hence, unless there is material on record conclusively showing an intervening cause of death unrelated to the accident, the cause of death remains a triable issue. The mere lapse of time, by itself, does not sever the legal causation if medically the chain of causation is intact. Hence, the revisionist's contention on causation, is at best, a defence plea to be taken at a later stage.

20. Moreover, the presence of an eye witness account placing the revisionist in the wrong, fortifies the prosecution's version. Further, the creditability and reliability of the eye witness, or the accuracy of the medical conclusion, can oncourse be challenged by the defence during the trial. But at this stage, the court must proceed on the premise that these pieces of evidence are true, there is nothing inherent, unbelievable or improbable in the prosecution's story.

21. It is also noted by this court that the revisionist's reliance on a compromise with the victim, is misplaced in law, as Sections 279 and 304A of I.P.C. are non-compoundable in nature and the rationale behind it is such offences involves public safety and public interest thus, the State has an interest in pursuing the cases irrespective of individual arrangements.

22. In view of the foregoing discussion, this court finds that the order of the Ld. Trial Court dated 06.07.2024 does not suffer from any illegality or impropriety. The Ld. Magistrate correctly appreciated the evidence on record and proceeded to frame notice against the revisionist.

23. Accordingly, the present revision petition stands dismissed. The parties are directed to appear before the Ld. Trial Court on the date already fixed.

24. A copy of this order along with Trial Court Record be sent to the Ld. Trial Court.

25. The revision file be consigned to Record Room."



8. In the opinion of the Court, the impugned order proceeds on well-established principles of criminal jurisprudence governing the stage of notice or charge. The revisional court has correctly observed that the present case, being summons-triable, does not envisage a formal charge-framing process or a statutory provision for discharge. Under the scheme of the Cr.P.C., the Magistrate, upon finding no case made out, may acquit the accused after recording evidence under Section 255, or in appropriate cases of baseless prosecution, terminate proceedings under Section 258.

9. The revisional court has also rightly recorded that while premature termination of summons proceedings may be justified in exceptional cases, to prevent abuse of process, such discretion is to be exercised sparingly and only when the allegations are inherently improbable or the prosecution is demonstrably groundless. Thus, the dismissal of a “discharge” plea in a summons case cannot be faulted unless it reflects manifest non-application of mind or results in manifest injustice.

10. The post-mortem report attributes the cause of death to “blunt force trauma” consistent with injuries sustained in a road accident. This medical finding, at least *prima facie*, connects the death to the incident of 17th February, 2018. The record further reveals that the deceased was readmitted to hospital merely two days after the alleged accident, and the discharge-cum-death summary narrates a clear sequence of neurological complications stemming from multiple haemorrhagic contusions in the fronto-temporo-parietal region. A decompressive craniectomy was performed on 21st February, 2018, and despite continuous medical intervention, the patient succumbed on 1st March, 2018. The details of investigation and treatment, as recorded in the Discharge-Death Summary, are reproduced below:



“Plantar-B/2 withdrawal NCC+Head done showed multiple hemorrhagic confusions in pt. ftp region e perilesional edema i midline shift & 7.7 mm to (L) side, (R) FTP & (L) tempores. susdinal bleed focal san seen in (L) sylvian tissues. patient planned for urgent decompressive urinary craniotomy and evacuation of hematoma

Treatment/Operation notes: -

On 21/2/18 (R)FTP decompressive craniectomy evacuation of acute sone temporal contusectory was done. Postoperatively patient was EnVeM6 postop Nee + Head showed adequate decompressive craniectomy minimal residual contusion no mass effector midline shift. patient was extubated on 22/2/18 . on 23/2/18 patient had sudden respiratory distress and tachypnoeic Gcs EnVeM6 pupil-B/c nsmr. Patient was intone & put on ventilator support and shifted to TRR Advice on Discharge & Follow up visits

Tracheostomy was done on 24/2/18, Patient developed hypertension on 26/2/18 and was put on ionotropic support in form of in NA infusion, C/6 were sent & wine, bleed and tracked us were Steinle, Lumbar puncture done on 27/2/18 showed meningitis LSF picture, patient had hypernatremia and correction was given, condemningly reference taleem for hyperlinking and hyperinosaemia and advise followed. Patient developed sudden cardiorespiratory attest on 1/3/18 at 12:00 PM, Despite all the treatment and resuscitation patient couldn't be revived back and was declared dead on 1/3/18 at 12:35Pm.(Sic)”

11. The above sequence demonstrates a close temporal and medical nexus between the accident and the subsequent fatality. Whether the injuries were indeed sustained in the accident and whether they escaped detection in the first MLC are matters of evidence that can only be determined upon trial. The presence of a time gap or an initial superficial MLC does not, by itself, sever the chain of causation when subsequent medical opinion attributes the death to head trauma. As the Supreme Court observed in **Bhalchandra @ Babu v. State of Maharashtra**,⁸ the essence of Section 304A IPC lies in whether the death was the “direct or proximate result” of the rash or negligent act; such determination is quintessentially a question of fact requiring expert and ocular testimony.

12. The reliance placed by the Petitioner on the compromise executed with the injured is equally misplaced. Offences under Sections 279 and



304A IPC are non-compoundable and involve an element of public wrong that transcends private settlement. The object of these provisions is to preserve public safety and deter reckless conduct on public roads. Consequently, a private compromise cannot neutralise the State's duty to prosecute, particularly where a fatality has occurred.

13. It also bears emphasis that the presence of an eyewitness, Dayaram Nagar, who in his statement under Section 161 Cr.P.C. attributes negligent driving to the Petitioner, constitutes *prima facie* material supporting the prosecution's case. The credibility of such witness, or the accuracy of the medical findings, are questions of appreciation to be tested at trial and not at the threshold.

14. At this stage, the scope of judicial scrutiny is confined to assessing whether the material on record, if accepted at face value, discloses the existence of grave suspicion warranting trial. As held in ***Union of India v. Prafulla Kumar Samal***,⁹ and ***State of Bihar v. Ramesh Singh***,¹⁰ the Court does not conduct a roving enquiry into the truth or sufficiency of evidence but only determines whether the accusation, if unrebutted, raises a strong presumption of guilt.

15. Applying these principles, this Court finds no illegality, perversity, or material irregularity in the concurrent findings of the Trial Court and the Revisional Court. The material on record discloses sufficient grounds to proceed against the Petitioner under Sections 279 and 304A IPC. The question of causal connection between the accident and the death, and the degree of negligence involved, are matters best left for trial.

⁸ AIR 1968 SC 1319

⁹ (1979) 3 SCC 4



16. The petition is devoid of merit and stands dismissed. It is, however, clarified that the observations herein are limited to the consideration of this petition and shall not influence the trial on merits.

17. With the above observations, the present petition is disposed of.

SANJEEV NARULA, J

OCTOBER 6, 2025/MK

¹⁰ (1977) 4 SCC 39