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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 7027/2025 & CRL.M.As. 29508/2025, 29509/2025**
MAHIPAL SINGHPetitioner

Through: Mr. DM Bhalla, Advocate with
Petitioner (in-Person).

versus

THE STATE OF NCT OF DELHI AND ORS.Respondents

Through: Mr. Hitesh Vali, APP for State.
Respondents (in-Persons).
SI Saurabh Kr., P.S. Shalimar Bagh.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

26.11.2025

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1. The present petition seeks quashing of FIR No. 44/2009, registered at P.S. Shalimar Bagh for the offences under Sections 279/337 of the Indian Penal Code, 1860, and all proceedings emanating therefrom.
2. Brief facts of the case are as follows:
 - 2.1. On 17th February, 2009, a PCR call was received at P.S. Shalimar Bagh, Delhi regarding a road accident near Red Light, Ashok Vihar T-Point, Ring Road, Delhi. Upon reaching the spot, one Maruti car was found to have rammed into the rear of a Canter vehicle. The injured persons had already been shifted to an unknown hospital; MLCs pertaining to injured Jai Bhagwan as well as the Petitioner, Mahipal Singh, were obtained.
 - 2.2. The complainant, Lakhvinder Singh, driver of the Canter, stated that while he was waiting at the Ashok Vihar Red Light, his vehicle was forcefully hit from behind by the aforesaid Maruti car, which was being driven in a rash and negligent manner by the Petitioner. On the basis of his complaint, the subject FIR came to be registered. During investigation, it



surfaced that injured Jai Bhagwan had succumbed to his injuries during treatment. Consequently, Section 304A IPC was added to the case. Enquiry further revealed that the Petitioner's wife was also present in the vehicle at the time of the accident; however, she did not sustain any injuries and did not make any statement against the Petitioner.

2.3. Upon conclusion of investigation, chargesheet was filed against the Petitioner under Sections 279 and 304A of IPC.

3. The Petitioner submits that he is the nephew of the deceased, who unfortunately lost his life in the accident forming the subject matter of the FIR. It is stated that the parties, who are closely related by blood, have amicably resolved their disputes. A Memorandum of Understanding dated 6th June, 2025 has been executed between the Petitioner and the legal heirs of the deceased, namely, his widow, daughters, and son (Respondent Nos. 2 to 5), copy whereof has been placed on record and has been perused by this Court. The MoU records that, following the demise of the deceased, the Petitioner has shouldered the responsibilities of the deceased's family, including supporting the household, overseeing the education of the children, looking for their matrimonial alliances, and performing their marriages from his own savings. In turn, Respondent Nos. 2 to 5 have settled the matter with the Petitioner and have decided not to pursue the present proceedings against him.

4. Respondent Nos. 2-5, who appear before the Court in person and are identified by the Investigating Officer, unequivocally 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. In light of the resolution between the parties, the Petitioner seeks



quashing of the subject FIR and all proceedings arising therefrom.

5. The Court has considered the submissions of the parties. While the offences under Sections 279 and 304A of IPC are non-compoundable, Section 337 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.**¹ 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.**,² 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

¹ (2012) 10 SCC 303

² (2014) 6 SCC 466



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 offences under Sections 279 and 304A of 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 Respondents in the present case have categorically expressed their unwillingness to pursue the matter further and have confirmed the settlement as voluntary and devoid of any coercion. Pertinently, the parties are related by blood, and following the demise of the deceased, the Petitioner has been looking after the deceased's family. 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. 44/2009, P.S. Shalimar Bagh, 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 26, 2025

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