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

+ **W.P.(CRL) 3270/2025 and CRL.M.A. 29743/2025**

DR. YOGESH KUMAR

.....Petitioner

Through: Mr. Sandeep Kapoor, Ms. Shreshtha,
Mr. Saurabh Sharma and Mr. Sachin,
Advocates with petitioner in person.

versus

STATE (NCT OF DELHI) & ANR.

.....Respondents

Through: Mr. Sanjeev Bhandari, ASC for the
State with SI Randeep, PS – North
Rohini.
Respondent no. 2 in person.

CORAM:

HON'BLE MR. JUSTICE ARUN MONGA

ORDER

% **08.10.2025**

1. Petitioner herein seeks quashing of an FIR No.530/2024 dated 20.08.2024 for the alleged offence under Section 304A of IPC, registered at Police Station North Rohini, on the basis of a compromise between the parties.
2. Per FIR, lodged on the complaint of Respondent No.2, husband of the deceased victim, the deceased victim was taken to the Petitioner's clinic after initial treatment at Ambedkar Hospital, where she was administered certain injections alleged to have caused poisoning. She was later shifted to Jaipur Golden Hospital, where she passed away on 25.12.2018, allegedly due to medical negligence on the part of the Petitioner.



3. Learned Counsel for the petitioner submits that with a view to preserve harmony and peace between the parties, and with the intervention of common friends, the parties have amicably settled all their disputes *vide* MoU/Settlement Deed dated 25.09.2025, which is placed on record as Annexure '2'.

3.1 Learned Counsel further submits that the Delhi Medical Council categorically opined that the treatment to the patient was provided by another doctor, namely Dr. Sanjeeta Singh, and not by the Petitioner herein, and that there was no negligence.

3.2 Learned Counsel for the petitioner further submits that, even on a plain reading, the FIR does not disclose the commission of an offence under Section 304A by the Petitioner.

3.3 Learned Counsel further submits that Respondent No.2 affirmed that the unfortunate demise of his wife occurred due to circumstances not attributable to any negligence of the Petitioner, and Respondent No.2 has no objection to the quashing of the FIR in question.

3.4 Learned Counsel further submits that Respondent No.2 has categorically acknowledged that there is no surviving grievance, claim or allegation against the petitioner, and that the parties have agreed to withdraw their pending cases against each other and have agreed not to pursue any proceedings arising out of or relating to the present dispute.

3.5 Learned Counsel further submits that in light of the compromise between the parties and as no further grievance subsists between them, continuation of further proceedings would be an abuse of the process of law and cause grave prejudice to the petitioner. Thus, it is in the interest of justice that this Court may be pleased to exercise its inherent powers to



quash the FIR and all consequential proceedings.

4. The learned ASC submits that he does not dispute the genuineness of the settlement. However, he would submit that given the nature of offence and also a human life having been lost, it is not a case that this Court should exercise its inherent powers under section 528 of BNSS, as it would convey a wrong message to the public at large and would also be against the societal interest to countenance criminal culpabilities by way of compensation to the victim's family. The same goes against the very scheme of criminal jurisprudence.

5. In the aforesaid backdrop, I have heard learned counsels for the parties and have perused the case file.

6. The parties are present before the Court. In response to a query posed by the Court, Respondent no.2/Complainant candidly submits that the settlement has been arrived at voluntarily, without any duress, coercion, or pressure from any quarter. He further submits that he is not inclined to press charges against the petitioner and has no objection to the quashing of the FIR in question.

7. Even otherwise, having gone through the expert opinion rendered through the aegis of the Delhi Medical Council dated 01.05.2023, copy of which has been tendered in course of hearing and the same is taken on record in digital form, it transpires that after due enquiry, it was not found to be a case of medical negligence, let alone attributable to the Petitioner/Dr. Yogesh Kumar. Furthermore, it transpires that the said doctor was not even the attending doctor of the deceased patient. In view thereof, ingredients of Section 304A IPC also seem to be amiss.

8. *Prima facie* it appears to be a case of death due to ailment and not



owing to any culpable criminality on the part of the Petitioner. On a plain reading, and in light of the candid statements of parties, it appears doubtful whether the essential ingredients of the offences invoked under the penal provisions are satisfied. In light thereof, I am of the view that the petition deserves to be allowed on that count as well.

9. Be that as it may, since the complainant does not wish to press charges against the Petitioner and there is no incriminating material against him, the chances of conviction are almost negligible. Further criminal proceedings before the court and continuation of the trial would be an abuse of the process of law, especially where the parties have amicably settled their dispute which does not involve any public interest or interest of the society at large. Continuation of proceedings will be an exercise in futility and wasteful expense of public exchequer.

10. Rather continuation of proceedings may result in hostility between the parties and defeat the very purpose of such settlement.

11. Quashing the FIR would, on the other hand, facilitate the parties in maintaining or restoring cordiality. Therefore, the proceedings deserve to be quashed in the exercise of the inherent powers of the Court. Reference may be had to the judgement rendered in ***Gian Singh v. State of Punjab & Anr. [(2012) 10 SCC 303]*** in this context.

12. Accordingly, invoking inherent powers vested with this Court under Section 528 of the BNSS, it is therefore deemed expedient to quash the FIR in question.

13. Consequently, the instant petition is thus allowed. FIR No.530/2024 dated 20.08.2024 for the alleged offence under Section 304A, registered at Police Station North Rohini, along with all consequential proceedings



arising therefrom, are hereby quashed.

14. Petition is allowed as above. The parties shall remain bound by the statements made in Court today.

15. All pending application(s), if any, shall also stand disposed of.

ARUN MONGA, J

OCTOBER 8, 2025

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