



\$~33

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

+ CRL.M.C. 7504/2025, CRL.M.A. 31413/2025

NAKUL SEHGAL

.....Petitioner

Through: *Appearance not given.*

versus

STATE NCT OF DELHI AND ORS.

.....Respondents

Through: Mr. Hemant Mehla, APP for State.

**CORAM:**

**HON'BLE MR. JUSTICE SANJEEV NARULA**

**ORDER**

**26.11.2025**

%

1. This petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023<sup>1</sup> (corresponding to Section 482 of the Code of Criminal Procedure, 1973<sup>2</sup>) seeks quashing of FIR No. 519/2019 dated 23<sup>rd</sup> September, 2019,<sup>3</sup> registered under Sections 304A/337/279 of the Indian Penal Code, 1860<sup>4</sup> at P.S. Punjabi Bagh, Delhi and all consequential proceedings emanating therefrom.

2. The prosecution case is that on 23<sup>rd</sup> September, 2019, an accident occurred near Madipur Metro involving motorcycle and a white car. The police found no eyewitness at the spot. The three injured persons were traced to SGM Hospital, where they were identified as Monu Gupta, Devender (Respondent No. 2) and Deepal @ Sahil (Respondent No. 3). Of them, Monu Gupta was declared "brought dead". The car's registered owner

---

<sup>1</sup> "BNSS"

<sup>2</sup> "CrPC"

<sup>3</sup> "impugned FIR"



later informed the police that the Petitioner was the driver at the relevant time. After completing investigation, the Petitioner was charge-sheeted under Sections 279/337/338/304A IPC, and charges have been framed by the Trial Court.

3. The parties state that they have amicably resolved their disputes. Pursuant thereto, a Settlement Deed dated 31<sup>st</sup> August, 2025, has been executed between the Petitioner and Respondent No. 2 to 5, Respondents No. 4 and 5 being the deceased Monu's sister and brother respectively. Under the settlement, the Respondents have agreed to not oppose the quashing of the FIR, and the Petitioner has agreed to pay a sum of INR 2,00,000/- to Respondent No. 2; INR 2,75,000/- to Respondent No. 3; and INR 1,37,500/- each to Respondent Nos. 4 and 5.

4. At this stage, it is noted that pursuant to this Court's order dated 17<sup>th</sup> October, 2025, the State has filed a status report stating that, in separate MACT proceedings, the Insurance Company has paid INR 1,30,000/- to Devender, INR 13,00,000/- to Deepal @ Sahil, and INR 13,00,000/- jointly to Geeta and Sonu, the legal heirs of the deceased.

5. Respondent Nos. 2 to 5 are present in Court today and are duly identified by the Investigating Officer. They state that they have already received the MACT compensation amounts noted above. Further, in terms of the Settlement Deed dated 31<sup>st</sup> August, 2025, the Petitioner has today handed over the Demand Drafts in Court, namely: DD No. 158207 for INR 2,00,000/- to Respondent No. 2; DD No. 158210 for INR 2,75,000/- to Respondent No. 3; and DD Nos. 158209 and 158206 for INR 1,37,500/- each to Respondent Nos. 4 and 5, respectively. The Respondents

---

<sup>4</sup> "IPC"



acknowledge receipt of these Demand Drafts and confirm that the settlement has been arrived at voluntarily, without any pressure or coercion, and that they have no objection to the quashing of the FIR.

6. The Court has considered the submissions of the parties. While the offences under Sections 279/304A of IPC are non-compoundable, Sections 337/338 of IPC are compoundable in certain cases. 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.***<sup>5</sup> 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.***,<sup>6</sup> 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**

---

<sup>5</sup> (2012) 10 SCC 303

<sup>6</sup> (2014) 6 SCC 466



**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 Court is conscious that the alleged offence pertains to a heinous crime under Section 304A of IPC where the victim died due to alleged negligence of the Petitioner. Therefore, in determining whether the proceedings can be quashed on the basis of the settlement between the



Petitioner and the deceased's family, it is necessary to consider whether the material on record could reasonably indicate the presence of gross negligence and an element of *mens rea*, which are essential for securing a conviction.

9. In ***Jacob Mathew v. State of Punjab***,<sup>7</sup> the Supreme Court examined what constitutes a negligent act under Section 304A of IPC and held that gross negligence, along with an element of *mens rea*, must be established. The relevant observations of the Court are as follows:

*"48. We sum up our conclusions as under: ...(5) The jurisprudential concept of negligence differs in civil and criminal law. What may be negligence in civil law, may not necessarily be negligence in criminal law. For negligence to amount to an offence, the element of mens rea must be shown to exist. For an act to amount to criminal negligence, the degree of negligence should be much higher i.e. gross or of a very high degree. Negligence which is neither gross nor of a higher degree may provide a ground for action in civil law but cannot form the basis for prosecution. The word "gross" has not been used in Section 304A IPC, yet it is settled that in criminal law negligence or recklessness, to be so held, must be of such a high degree as to be "gross". The expression "rash or negligent act" as occurring in Section 304A of the IPC has to be read as qualified by the word "grossly"..."*

10. In the present case, there are admittedly no independent eyewitnesses to the accident. Respondent Nos. 2 and 3, the only surviving injured witnesses, as well as Respondent Nos. 4 and 5, the legal heirs of the deceased, have categorically stated that they have resolved the matter with the Petitioner and have no subsisting grievance against him in relation to the incident. Their stand, coupled with the absence of direct evidence attributing rashness or culpable negligence to the Petitioner, considerably weakens the ability of the prosecution to establish the degree of negligence required for a



conviction under Section 304A IPC. In these circumstances, the chances of establishing the requisite *mens rea* or gross negligence are remote, and continuation of the proceedings would be an exercise in futility. The Court is therefore satisfied that this is a fit case for exercise of powers under Section 528 BNSS to secure the ends of justice.

11. In view of the foregoing, the present petition is allowed and FIR No. 519/2019 as well as all consequential proceedings arising therefrom are hereby quashed.

12. However, since the State machinery was set in motion based on the impugned FIR, it is appropriate to impose costs on the Petitioner. Accordingly, the Petitioner is directed to deposit INR 10,000/- with the Delhi Police Welfare Fund within a period of four weeks from today.

13. The parties shall remain bound by the terms of settlement.

14. Accordingly, the petition is disposed of along with pending application(s).

**SANJEEV NARULA, J**

**NOVEMBER 26, 2025**

*nk*

---

<sup>7</sup> (2005) 6 SCC 1.