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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 9007/2025 & CRL.M.A. 37637/2025**
RAM LAKHAN TIWARIPetitioner

Through: Mr. Siddharth Gautam, Mr. Aryan Shokeen and Mr. Ram L. Tiwari, Advocates with Petitioner (in-Person).

versus

THE STATE GOVERNMENT OF THE NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Digam Singh Dagar, APP for State.
SI Vikrant, P.S. Amar Colony.
Mr. Pankaj Kumar Yadav, Mr. Madhav Jha, Mr. Manik Verma, Mr. Suraj Arya and Ms. Puja Das, Advocates for complainant with complainant (in-Person).

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER
17.12.2025

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1. This 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. 106/2024 dated 12th April, 2024, registered under Sections 279/337 of the Indian Penal Code, 1860³ at P.S. Amar Colony, Delhi and all proceedings emanating therefrom.

¹ "BNSS"

² "CrPC"

³ "IPC"



2. The prosecution case arises from the statement of Respondent No. 2, Smit Singh Kuru, who reported that on 09th April, 2024, at around 10:00 PM, while riding his motorcycle bearing No. DL-3SFQ-5924 near Sanatan Dharma School, Dayanand Colony, he was hit by a speeding car, causing him to fall and sustain injuries. The driver of the offending vehicle briefly alighted and thereafter fled from the spot. During the incident, the number plate of the car allegedly broke and fell at the spot, which the complainant retained. With the assistance of the police, the injured was taken to AIIMS Trauma Centre for medical treatment. Based on the above, the FIR was registered. Upon completion of investigation, a chargesheet was filed, whereby the Petitioner was implicated for the offences under Sections 279 and 338 IPC.

3. The parties have settled their disputes and differences and executed a Settlement Deed/Memorandum of Understanding dated 4th June, 2025. The copy of the Deed is on record and perused by the Court. As per its terms, Respondent No. 2 has mutually resolved all disputes and differences with the Petitioner and has agreed to voluntarily give his no objection to the quashing of the subject FIR. In furtherance of the settlement, the Petitioner agreed to pay a total sum of INR 40,000/- to Respondent No. 2 as final settlement amount.

4. Respondent No. 2, who is present in person, duly identified by the Investigating Officer, has confirmed the settlement and expressed his unequivocal consent to the quashing of the FIR. He confirms that the settlement has been arrived at voluntarily, without any pressure or coercion. He further confirms that in terms of the MoU, he has received the entire settlement amount. The Petitioner has also joined the proceedings in person



and is duly identified by the Investigating Officer. In light of the amicable resolution, the parties jointly seek quashing of the subject FIR and all proceedings arising therefrom.

5. The Court has considered the submissions of the parties. While the offence under Section 279 IPC is non-compoundable, the offence under Section 338 IPC is compoundable in certain cases.

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 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

⁴ (2012) 10 SCC 303

⁵ (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. In the present case, the allegations pertain to offences under Sections 279 and 338 IPC arising out of a road traffic accident. There are no independent public witnesses to the incident, and the material on record does not *prima facie* indicate any act of rashness or negligence on the part of the



Petitioner beyond the occurrence of the accident itself. The circumstances suggest that the incident appears to be a pure accident, without any aggravating factors. Further, in view of the voluntary settlement arrived at between the parties, and the categorical statement of Respondent No. 2 that he does not wish to pursue the proceedings, the possibility of securing a conviction in the present case appears to be remote and bleak.

9. Continuation of the criminal proceedings in these circumstances would serve no meaningful purpose and would amount to an unnecessary prolongation of litigation, causing avoidable hardship to the parties and wastage of judicial time. Having regard to the nature of the offences, the *bona fides* of the settlement, and the principles laid down by the Supreme Court, this Court is satisfied that the present case warrants exercise of inherent jurisdiction under Section 528 BNSS (corresponding to Section 482 CrPC) to secure the ends of justice and prevent abuse of the process of law.

10. In view of the foregoing, the present petition is allowed and FIR No. 106/2024 dated 12th April, 2024, registered at P.S. Amar Colony, Delhi and all proceedings emanating therefrom, are hereby quashed.

11. Having regard to the nature of the Petitioner's conduct, this Court is of the view that he must undertake community service as a measure of accountability. Accordingly, the Petitioner is directed to perform community service at Lok Nayak Jai Prakash Narayan Hospital from 5th January, 2026 to 19th January, 2026. The Petitioner shall report to the Medical Superintendent of Lok Nayak Jai Prakash Narayan Hospital on 5th January, 2026 for instructions and assignment of duties. Upon completion of the said period, a certificate confirming the completion of community service shall be issued by the Medical Superintendent and the same shall be filed with the



Registry. In the event of any absenteeism, default, or misconduct on the part of the Petitioner during the course of the community service, the same shall be immediately reported by the Medical Superintendent to the concerned SHO, who shall, in turn, inform the APP for placing the matter before this Court and seeking appropriate orders, including revival of the FIR.

12. This Court further considers it appropriate that since 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 2,500/- with the Delhi Police Welfare Fund, within a period of four weeks from today. Proof of payment be deposited with the concerned IO within a period of two weeks thereafter.

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

DECEMBER 17, 2025

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