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

\# **CNR No. DLHC010113402026**

\+ CRL.M.C. 2189/2026 with CRL.M.A. 9000/2026

RAJA SHARMA .....Petitioner

Through: Mr. Aayushman Shukla, Advocate.
Petitioner in person.

versus

STATE (NCT OF DELHI) AND ORS. .....Respondents

Through: Ms. Shubhi Gupta, APP for State.
Mr. Satish Kumar, Advocate for R-2 & 3.
R-2 to 5/LRs of deceased in person.

CORAM:
HON'BLE MR. JUSTICE AMIT BANSAL

O R D E R

% 12.10.2026

1. The present petition has been filed seeking quashing of FIR No. 315/2020 dated 2nd August, 2020 for offences under Sections 287/304A of the Indian Penal Code, 1860 ('IPC') registered at Police Station Jaitpur, Delhi and all proceedings emanating therefrom, on the basis of settlement.

2. Issue Notice.

3. Notice is accepted by the APP appearing on behalf of the State and the counsel appearing on behalf of the respondent no.2.

4. Brief facts necessary for deciding the present petition are as follows:

4.1. The present FIR arises out of the death of one Anil Kumar, who had been engaged by the petitioner to undertake plumbing work at the petitioner's premises. The deceased suffered electrocution while carrying

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out the plumbing work and was declared brought dead at the hospital.

4.2. The FIR was thereafter registered against the petitioner under Sections 287/304A IPC. The charge-sheet has been filed and notice under Section 251 Cr.P.C. has also been framed against the petitioner.

4.3. The legal representatives of the deceased, *i.e.* the respondents no.2 to 5, instituted proceedings under the Workman Compensation Act before the Labour Commissioner, which came to be decided *vide* order dated 28th March, 2025. In terms of the said order, a sum of Rs. 12,70,800/- on account of compensation payable along with interest @ 12% payable w.e.f 1st August 2020 till its realisation and Rs.5000/- as funeral expenses and further penalty amount of Rs.2,54,160/- was awarded to the respondents/claimants.

4.4. The petitioner has deposited/paid the aforesaid amount totalling Rs.23,30,000/- pursuant to the said award.

4.5. The parties thereafter entered into a Memorandum of Understanding ('MoU') dated 9th December, 2025, whereby they amicably settled their disputes.

5. Based on the aforesaid settlement, the present petition has been filed for quashing of the subject FIR.

6. The aforesaid MoU dated 9th December, 2025, executed between the parties, has been placed on record as Annexure P-6 to the petition. In terms of the MoU, the parties have amicably settled their disputes and the sum of Rs.23,30,000/-, as arrived at in the MoU, has already been paid by the petitioner to the respondents.

7. The respondents are present in Court and have been identified by their counsel. They inform the Court that they have settled the matter of their own free will and without any coercion. They further state that they do not wish

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to pursue the present FIR any further and have no objection if the present petition is allowed.

8. The petitioner is present in Court and has been identified by his counsel. He affirms the statement of the respondents.

9. The issue of whether an FIR involving offences under Section 304A IPC/106(1) BNS can be quashed on the ground of settlement is no longer *res integra*. In ***Babu Khan and Anr.* v. *State and Ors.***, this Court observed as follows:

> *"20. In Jacob Mathew v. State of Punjab, (2005) 6 SCC 1, the Supreme Court had explained that for a negligent act to constitute an offence, under Section 304A of the IPC, the same should be gross negligence and an element of mens rea must be shown to exist. The Court had further explained that the degree of negligence which is punishable under Section 304A of the IPC should be of a high degree. The Court had observed as under:-*
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> > *"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.*
> > *(6) The word 'gross' has not been used in Section 304A of 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'…"*
>
> *21. Thus, **<u>while evaluating whether a proceeding relating to an alleged offence, under Section 304A of the IPC, be quashed on the basis of a settlement between the accused and the victim, it would also be necessary to consider whether it is probable that the facts presented would constitute gross negligence and an element of mens rea, which is likely to secure a conviction.</u>**"*
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> [Emphasis supplied.]

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10. A Coordinate Bench of this Court in ***Sunil Malhotra* v. *State (NCT of Delhi)***, after considering various judicial precedents governing the quashing of proceedings under Section 304A IPC, held that there is no absolute bar to exercising the inherent jurisdiction of the High Court to quash such proceedings, even where the offence is non-compoundable. The Court further observed that criminal liability for negligence under Section 304A IPC is attracted only where the negligence is of a gross nature and it has to be determined in light of the facts and circumstances of each case.

11. In my opinion, the observations made in the case above are squarely applicable to the facts of the present case. The deceased suffered an electrocution while working as a plumber at the petitioner's premises and died as a result thereof. The incident appears to be accidental in nature and there is no material on record indicating any intentional act or gross negligence attributable to the petitioner.

12. Having regard to the fact that the dispute between the petitioner and the legal representatives of the deceased has been amicably resolved, the compensation awarded by the Labour Commissioner has already been paid and the LRs of the deceased, *i.e.* the respondents no.2 to 5, have voluntarily stated that they do not wish to pursue the criminal proceedings, the possibility of the prosecution establishing criminal negligence against the petitioner appears remote.

13. Considering the above settlement between the parties, there is no use continuing with the proceedings of the present FIR. Hence, it would be in the interest of justice to quash the present FIR and the proceedings pursuant thereto.

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14. Consequently, FIR No.315/2020 registered at Police Station Jaitpur, Delhi and the proceedings pursuant thereto are quashed.

15. The petition along with pending application stands disposed of.

AMIT BANSAL, J

OCTOBER 12, 2026
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