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

+ CRL.M.C. 2833/2026 and CRL.M.A. No. 11472/2026

DINESH KUMAR

.....Petitioner

Through: Mr. Mohit Yadav, Mr. Shubham Jain, , Advs, with P in person.

versus

THE STATE OF NCT OF DELHI AND ANR

.....Respondent

Through: Mr. Hitesh Vali, APP for State with SI Upender Singh, PS V.K. South

Mr. Ajay Joon, Mr. Maninder, Ms. Vanshika Joon and Mr. Rudra Sharma, Advs for R2 to R4 with Rs in person.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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15.04.2026

1. The petitioner has filed this petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ["BNSS"] (corresponding to Section 482 of the Code of Criminal Procedure, 1973 ["CrPC"]), seeking quashing of FIR No. 105/2016, dated 10.02.2016, lodged at Police Station Vasant Kunj (South), Delhi, under Sections 285/338 of the Indian Penal Code, 1860 ["IPC"], on the ground of settlement.
2. Issue notice. Mr. Hitesh Vali, learned Additional Public Prosecutor, accepts notice on behalf of the State. Mr. Ajay Joon, learned counsel, accepts notice on behalf of respondent Nos. 2 to 4.
3. The impugned FIR was registered pursuant to a PCR call being



received, pertaining to an incident of fire caused by leakage of a gas cylinder at Village Ghitorni, New Delhi wherein respondent Nos. 3 and 4 sustained injuries.

4. Pursuant to the investigation, a chargesheet was filed. Section 337 of IPC was added.

5. During the pendency of the proceedings, the petitioner entered into a Settlement Agreement dated 24.05.2025 with respondent No. 2, on behalf of respondent Nos. 3 and 4, under the aegis of the Delhi Mediation Centre, Patiala House Court, New Delhi.

6. Respondent No. 3, who was aged about 2 years old at the time of the incident and respondent No. 4, who was aged about 7 years at the time of the incident, are still minors, and are therefore represented by respondent No. 2, who is their father/natural guardian.

7. The petitioner is present in Court, and is identified by his learned counsel, and the Investigating Officer [“IO”]. Respondent Nos. 2 to 4 are also present in person and have been identified by their learned counsel and the IO.

8. Learned counsel for the parties submit that the settlement has been entered into voluntarily, without force, fraud or coercion, and that continuation of the criminal proceedings would serve no useful purpose.

9. The injuries of respondent Nos. 3 and 4 have been classified in the MLC as “dangerous” and “simple” respectively. On a specific query of the Court, it is submitted that respondent No. 3 had suffered 15% burn injuries and respondent No. 4 had suffered 10% burn injuries. Respondent No. 2, who is present in person, states that although the nature of the injury to respondent No. 3 was grievous, it was due to a



15% burn, but he has since recovered.

10. Respondent No. 2 has also filed an affidavit stating that he has no objection to quashing of the FIR and the consequential proceedings. Respondent No. 2 states that he is satisfied with the settlement.

11. In light of the aforesaid, the parties seek quashing of the impugned FIR.

12. The Supreme Court has clearly held that, in certain circumstances, the High Courts, in exercise of their powers under Section 482 of CrPC [corresponding to Section 528 of BNSS], can quash criminal proceedings, even with respect to non-compoundable offences, on the ground that there is a compromise between the accused and the complainant, especially when no overarching public interest is adversely affected.

13. In *Gian Singh v. State of Punjab and Anr.* [(2012) 10 SCC 303], the Supreme Court held as follows:

“58. Where the High Court quashes a criminal proceeding having regard to the fact that the dispute between the offender and the victim has been settled although the offences are not compoundable, it does so as in its opinion, continuation of criminal proceedings will be an exercise in futility and justice in the case demands that the dispute between the parties is put to an end and peace is restored; securing the ends of justice being the ultimate guiding factor. No doubt, crimes are acts which have harmful effect on the public and consist in wrongdoing that seriously endangers and threatens the well-being of the society and it is not safe to leave the crime-doer only because he and the victim have settled the dispute amicably or that the victim has been paid compensation, yet certain crimes have been made compoundable in law, with or without the permission of the court. In respect of serious offences like murder, rape, dacoity, etc., or other offences of mental depravity under IPC or offences of moral turpitude under special statutes, like the Prevention of Corruption Act or the offences committed by public servants while working in that capacity, the settlement between the offender and the victim can have no legal sanction at all. However, certain offences which overwhelmingly and predominantly bear civil flavour having arisen out of civil, mercantile,



commercial, financial, partnership or such like transactions or the offences arising out of matrimony, particularly relating to dowry, etc. or the family dispute, where the wrong is basically to the victim and the offender and the victim have settled all disputes between them amicably, irrespective of the fact that such offences have not been made compoundable, the High Court may within the framework of its inherent power, quash the criminal proceeding or criminal complaint or FIR if it is satisfied that on the face of such settlement, there is hardly any likelihood of the offender being convicted and by not quashing the criminal proceedings, justice shall be casualty and ends of justice shall be defeated. The above list is illustrative and not exhaustive. Each case will depend on its own facts and no hard-and-fast category can be prescribed.”

[Emphasis supplied.]

14. The present case arises out of an incident of fire caused by leakage of a gas cylinder. Ten years have passed since. The cylinders were being unloaded from a tempo driven by the petitioner, when one of the cylinders was found to be leaking. Thereafter, a child lit a matchstick, which triggered the fire, resulting in burn injuries to both the children. There is no allegation of any deliberate or intentional act. Injuries suffered by respondent No. 4 were simple in nature. While the injuries suffered by respondent No. 3 were grievous, the material placed on record *prima facie* indicates that the incident was accidental in nature, and cannot be attributed to any intentional or grossly negligent act on the part of the petitioner. No material has been brought to the notice of this Court which would, *prima facie*, disclose such a degree of rashness or negligence as would satisfy the threshold of “gross negligence”, so as to necessitate continuation of criminal proceedings despite settlement. The parties have amicably resolved all their *inter se* disputes, and respondent No. 2 has categorically affirmed before this Court that the settlement has been entered into voluntarily, on behalf of respondent Nos 3 and 4.



15. In view of the nature of the allegations, the subsequent settlement between the parties, the likelihood of conviction is remote. Continuation of the criminal proceedings in such circumstances would, therefore, be an exercise in futility, serving no useful purpose and resulting only in an unnecessary consumption of judicial time and public resources.

16. The settlement contemplates a payment of Rs. 20,000/- to respondent No. 2, who states that the entire amount has already been received by him. Mr. Mohit Yadav, learned counsel for the petitioner, submits that an additional sum of Rs. 20,000/- shall be paid. The petitioner may hand over Fixed Deposit Receipts of Rs. 10,000/- each, in the names of the two children for a period of five years, to respondent No. 2, i.e., the father of respondent Nos. 3 and 4. Affidavit of compliance be filed within two weeks from today.

17. Having regard to the above discussion, the petition is allowed, and FIR No. 420/2021 dated 30.07.2021, lodged at Police Station Vasant Kunj, South Delhi, under Sections 279/337 of the IPC, alongwith all consequential proceedings arising therefrom, is hereby quashed, subject to the petitioner filing the affidavit of compliance within two weeks from today.

18. The petition stands disposed of.

PRATEEK JALAN, J

APRIL 15, 2026

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