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

\# **CNR No. DLHC010162922026**

\+ CRL.M.C. 2968/2026

DEEPAK JAIN .....Petitioner

Through: Mr. Sachet Sharma, Mr. Paras Verma, Mr. Ayush Sharma and Ms. Prachee Pathak, Advocates.

versus

STATE OF NCT OF DELHI AND ANOTHERS .....Respondents

Through: Mr. Tarang Srivastav, APP for State with Mr. Abhay Sahni, Advocate.
S.I. Anil Kumar, P.S. Gandhi Nagar.
Mr. Amit Raghav, Mr. Jatin Rajput, Ms. Riya Choudhary and Ms. Aera Singh, Advocates for R-2 and R-3.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

O R D E R

% 27.10.2026

1. This petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023[1] seeks quashing of FIR No. 0546/2021 dated 25th November, 2021, registered at P.S. Gandhi Nagar under Sections 285/304A/436 of the Indian Penal Code, 1860[2], and all consequential proceedings emanating therefrom.

2. The prosecution case, in brief, is that on 25th November, 2021, a fire

[1] "BNSS"

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broke out at premises bearing H. No. 9/3590, Gali No. 1, Gyan Mohalla, Gandhi Nagar, Delhi, where a garment-stitching unit was being operated. During the incident, one Sanjay Kumar @ Sanju, who was working at the said premises, was found unconscious inside the premises and was subsequently declared brought dead at GTB Hospital. Consequently, the subject FIR was registered.

3. During investigation, the police inspected the spot, prepared the site plan, collected the relevant exhibits, obtained the post-mortem and FSL reports and recorded statements of witnesses. The investigation revealed that the premises were being used for garment-stitching work and were owned by the Petitioner. The FSL examination detected carbon monoxide and ethyl alcohol in the viscera of the deceased. The subsequent medical opinion attributed the cause of death to asphyxia resulting from ante-mortem carbon monoxide poisoning, while also recording that the deceased had consumed ethyl alcohol prior to his death. Accordingly, Section 436 IPC was deleted and a chargesheet was filed against the Petitioner for offences punishable under Sections 285/304A IPC.

4. The parties state that, during the pendency of the proceedings, they have amicably resolved their disputes with the intervention of well-wishers and respectable members of society. Pursuant thereto, a Memorandum of Understanding dated 4th December, 2025, was executed between the Petitioner and Respondent Nos. 2 and 3, being the parents of the deceased. In terms thereof, the Petitioner has agreed to pay a sum of INR 4,00,000/- towards full and final settlement of all claims arising out of the employment and unfortunate demise of the deceased. The proceedings instituted before

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[2] "IPC"

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the Joint Labour Commissioner have also been withdrawn pursuant to the said settlement.

5. A copy of the Memorandum of Understanding has been placed on record and perused by the Court. The settled amount of INR 4,00,000/- has been paid by the Petitioner by way of cheque in favour of Respondent No. 3, Smt. Munni Devi, mother of the deceased. Respondent No. 2, father of the deceased, has expressly consented to the aforesaid arrangement and has no objection to the settlement amount being received by Respondent No. 3.

6. Respondent Nos. 2 and 3, who are present before the Court and have been duly identified by the Investigating Officer, affirm that the settlement has been arrived at voluntarily, without any force, coercion, pressure or undue influence. They state that they have received the settlement amount and have no surviving grievance against the Petitioner.

7. The Court has considered the submissions advanced by the parties and has also examined the material placed on record. Having regard to the fact that the present matter concerns the death of an employee in an industrial fire incident, the Court has considered it appropriate to examine the circumstances surrounding the incident and the material collected during investigation, notwithstanding the settlement arrived at between the parties.

8. A perusal of the chargesheet reveals that a quarter bottle of liquor, along with two plastic containers, one containing ash and the other a matchbox, was recovered from the spot. The FSL report detected ethyl alcohol in the viscera of the deceased, and the subsequent medical opinion confirmed that the deceased had consumed ethyl alcohol prior to his death. The deceased was approximately 40 years of age at the time of the incident. The prosecution alleges negligence on the part of the Petitioner in

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maintaining adequate safety measures at the premises. Significantly, the Status Report filed by the State records that the premises in question were being used for operating a small garment-stitching unit comprising approximately 4-5 sewing machines. It is further stated that no chemical, hazardous substance, inflammable material or hazardous machinery or equipment of such nature as could have caused the fire incident was found to have been used or installed at the premises. The Status Report does not bring out any specific material establishing the origin of the fire or directly attributing its occurrence to any particular act of the Petitioner.

9. Counsel appearing for Respondent Nos. 2 and 3 further submits, on instructions, that the deceased was approximately 40 years of age, had no children from his marriage, and that his wife has since predeceased him. The aforesaid statement is taken on record.

10. It is well settled that the power of the High Court under Section 482 of the Code of Criminal Procedure, 1973 [corresponding to Section 528 BNSS] to quash criminal proceedings is distinct from the power of compounding under Section 320 CrPC. This power may be exercised even in cases involving non-compoundable offences where the parties have settled the matter. However, the power is to be exercised sparingly and with caution. The guiding considerations are whether such exercise would secure the ends of justice or prevent abuse of the process of the Court. While exercising this power, the Court must have due regard to the nature and gravity of the offence and the circumstances of the case. In ***Narinder Singh & Ors. v. State of Punjab & Anr***[3]**.** the Supreme Court has reiterated these principles and held that, in appropriate cases, the Court may quash the

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proceedings where, having regard to the settlement, the possibility of conviction is remote and bleak and continuation of the criminal proceedings would serve no useful purpose.

11. In the peculiar facts and circumstances of the present case, the Court is of the view that the settlement is not the sole consideration warranting exercise of inherent jurisdiction. The nature of the premises, the absence of any identified hazardous material or machinery, the circumstances emerging from the medical and FSL reports, and the absence of material directly linking the Petitioner to the origin of the fire are also relevant considerations. These circumstances, when considered cumulatively with the voluntary settlement arrived at with the parents of the deceased and the compensation agreed to be paid, persuade this Court that continuation of the criminal proceedings would not serve any meaningful purpose.

12. Having regard to the totality of the circumstances, and in view of the legal principles laid down by the Supreme Court, this Court finds the present case to be an appropriate one for exercise of jurisdiction under Section 528 of BNSS to secure the ends of justice.

13. Accordingly, the present petition is allowed. FIR No. 0546/2021 dated 25th November, 2021, registered at P.S. Gandhi Nagar under Sections 285/304A/436 IPC, and all consequential proceedings emanating therefrom, are hereby quashed.

14. However, since the State machinery was set in motion on account of the subject FIR, it is appropriate to impose costs on the Petitioner. Accordingly, the Petitioner is directed to deposit INR 3,000/- with the Delhi Police Welfare Fund, within a period of four weeks from today. Proof of

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[3] (2014) 6 SCC 46

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payment be deposited with the concerned IO within two weeks thereafter.

15. The parties shall abide by the terms of settlement.

16. The petition is disposed of in the above terms.

SANJEEV NARULA, J

OCTOBER 27, 2026/*hc*

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