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

+ CRL.M.C. 3302/2026, CRL.M.A. 13401/2026

MOHAMD GAFFAR

.....Petitioner

Through: Mr. Saurabh and Mr. Naveen,
Advocates.

versus

STATE OF NCT OF DELHI & ORS.

.....Respondent

Through: Mr. Tarang Srivastava, APP with
SI Monu Kumari.
Mr. Ravi Swami, Advocate.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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29.04.2026

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. 472/2019 dated 29.07.2019, lodged at Police Station Dabri, District Dwarka, Delhi, under Sections 285/338 of the Indian Penal Code, 1860 ["IPC"], on the ground of settlement.
2. Issue notice. Mr. Tarang Srivastava, learned Additional Public Prosecutor, accepts notice on behalf of the State. Mr. Ravi Swami, learned counsel, accepts notice on behalf of respondent Nos. 2 and 3.
3. The allegations, as borne out from the impugned FIR, are that on 19.06.2019, a Police Control Room call was received from Mata Chanan Devi Hospital, Delhi, stating that one Aski Raj, aged seven years, was



brought to the Emergency Department of the said hospital by his father [respondent No. 2 herein] in an unconscious state.

4. In the course of the investigation, respondent Nos. 2 and 3 disclosed that their child had suffered an electric shock from an air cooler installed on the exterior of their house by their neighbour [petitioner herein]. A chargesheet was thereafter filed, arraigning the petitioner as the accused person.

5. During the pendency of the proceedings, the parties have amicably settled their disputes, as recorded in a Memorandum of Understanding dated 20.04.2026.

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

7. The parties are present in Court, and have been duly identified by their respective learned counsel as well as the Investigating Officer.

8. The settlement contemplates payment of a sum of Rs. 3,50,000/- by the petitioner to respondent Nos. 2 and 3 towards full and final settlement of all disputes. Respondent Nos. 2 and 3, who are present in Court and represented by counsel, state that the said amount has been received by them in terms of the settlement.

9. The affidavits of respondent Nos. 2 and 3, affirming that they have no objection to quashing of the impugned FIR, have also been placed on record.

10. The Medico-Legal Case records the injuries suffered by the victim as “*grievous*”, stated to have been caused by “*Hypoxic Electric injury to Brian due to Arrhythmias secondary to electric injury*”. I am informed by learned counsel for the petitioner and respondent Nos. 2 and 3 that the



victim has since passed away due to unrelated circumstances. Mr. Srivastava, upon instructions from the Investigating Officer, also confirms the same.

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

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 has 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.]

Further, in *Narinder Singh and Ors. v. State of Punjab and Anr.* [(2014) 6 SCC 466], the Supreme Court has also laid down guidelines for High Courts while accepting settlement deeds between parties and quashing the proceedings. The relevant observations in the said decision read as under:

“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 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.]

14. The present case arises out of an incident of electric shock caused by an air cooler. Approximately six years have passed since the incident. 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 Nos. 2 and 3 have categorically affirmed before this Court that the settlement has been entered into voluntarily.

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 amount of Rs. 3,50,000/- has been paid to respondent Nos. 2 and 3. There is, therefore, no impediment to grant of the relief sought.

17. Having regard to the above discussion, the petition is allowed, and FIR No. 472/2019 dated 29.07.2019, lodged at Police Station Dabri, District Dwarka, Delhi, under Sections 285/338 of the IPC, alongwith all consequential proceedings arising therefrom, is hereby quashed.

18. The petition, alongwith pending application, stands disposed of.

PRATEEK JALAN, J

APRIL 29, 2026

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