



\$~11

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

% ***Date of Decision: 12<sup>th</sup> May, 2026***

+ CRL.M.C. 2444/2025 & CRL.M.A. 10936/2025  
NEERAJ BHALLA & ORS.

.....Petitioner

Through: Ms. Neha Gaiind with Mr. Rajesh  
Pandey, Advocates.

versus

STATE GOVT. OF NCT OF DELHI AND ANR.

.....Respondent

Through: Mr. Raj Kumar, APP for the State.  
Mr. Amit Rana and Mr. Rohit,  
Advocates for R-2.

**CORAM:**

**HON'BLE MR. JUSTICE MANOJ JAIN**

**JUDGMENT (oral)**

1. Petitioner herein seeks quashing of FIR No. 0253/2019 dated 18.11.2019, registered at Police Station Mayapuri, for commission of offences under Sections 287/304A IPC, along with all consequential proceedings arising therefrom, on the basis of compromise arrived at between the parties.
2. The incident is of 17.11.2019 when police received an information regarding death of one person in a lift, installed at C-157, Mayapuri Phase-2. The police reached the spot and found one person lying unconscious/unresponsive. His postmortem was got conducted and during investigation, his name was ascertained as *Dhanpat Dass*. The investigation also revealed that a lift had been installed in the abovesaid premises unauthorizedly and there was no proper upkeep of the same and, therefore,



*Chowkidar Dhanpat Dass* lost his life.

3. Based on documents pertaining to the ownership of the factory, where the lift was installed, all the concerned owners were charge-sheeted with the allegation that they had not taken requisite care with respect to the lift in question and had left the same in negligent state.
4. Charges have already been framed against all the accused persons and quashing is being sought on settlement.
5. Copy of the *Memorandum of Understanding* (MoU) has been placed on record which indicates that the matter has been amicably settled between the legal representatives (LRs) of the deceased and all the accused persons. The petitioners have undertaken to pay compensation of Rs.2 lacs, which compensation has been accepted by all the LRs.
6. State was directed to verify whether all such LRs had furnished their '*no objection*' to the settlement in question and in terms thereof, a status report has been furnished.
7. As per the status report, there are seven LRs of deceased-Dhanpat Dass and they all have granted *Power of Attorney* to one of them i.e. Ram Sogarathdass, who has been permitted to represent them and to enter into settlement on their behalf.
8. Ram Sogarathdass also happens to be the son of the deceased.
9. He, while representing his other legal representative, submits that the matter has been amicably settled and they all have decided not to pursue with the FIR in question and would have '*no objection*' if FIR is quashed.
10. He submits that as compensation, the petitioners have given drafts of Rs.2,00,000/- and Rs.1,10,000/- (as additional compensation) drawn on ICICI Bank and he has accepted the abovesaid drafts towards full and final



settlement.

11. The concerned I.O. is present and identifies Ram Sogarathdass.

12. There is no eye witness of the incident as such and, therefore, it is not amply clear as to how the accident, actually speaking, took place. Lift in question was a *Goods lift* and the deceased was trapped between the wall and the lift enclosure and sustained head injury.

13. The case is of the year 2019 and so far, there is no progress in the trial. The LRs of deceased, as noted, are no longer interested in pursuing the matter.

14. To bring the matter within the scope and ambit of abovesaid penal provisions i.e. Sections 287 and 304-A IPC, it is incumbent upon the prosecution to establish element of *gross negligence*. The prosecution needs to bring on record sufficient material to indicate that there was wanton disregard, to the consequences of an act, or omission, on the part of the petitioners which resulted in the abovesaid accident. It is also required to be shown that there is deliberate breach of duty to take requisite care and precaution. Though, as per State, the accident, primarily, happened on account of non-functioning of the *interlocking system* but such report in itself would not suffice as there is no specific circumstance, act, or omission attributed to the petitioners.

15. The charge-sheet would also indicate that the case of prosecution is dependent upon the testimony of Ram Sogarathdass (son of deceased). He is cited as PW-1 in the list of witnesses and as already noticed above, he has already entered into *memorandum of understanding*. In his affidavit filed before this Court, Mr. Ram Sogarathdass has deposed that he is left with no grievance against the petitioner and does not have anything to say in support



of imputations appearing in the FIR. When asked, he reiterated the same and claimed that it was a case of *mere accident*.

16. The chances of conviction would, thus, be very bleak, particularly when, the son of the deceased, the solitary public witness is not inclined to pursue with the matter and there being no eye-witness of the incident. The possibility that death might be on account of sheer accident, without there being any negligence on part of anyone, cannot be ruled out.

17. Importantly, all the accused have been charge-sheeted, merely, based upon the ownership documents of the property in question which was not appropriate from any angle whatsoever. Merely, because they are the owners of the premises in question would not, automatically, make them liable and, it was for the Investigating Agency to have collected sufficient material, indicating culpable negligence upon their part.

18. Reference be made to *Sunil Malhotra v. State (NCT of Delhi)*, 2023 SCC OnLine Del 7365 and order dated 22.07.2022 passed in *Rohit Kumar Gupta v. State NCT of Delhi* in CRL.M.C. 1867/2022 wherein under similar circumstances, FIRs under similar penal provisions were quashed. In *Babu Khan v. State*, 2019 SCC OnLine Del 10007, it is observed that while quashing an FIR registered under Sections 288/304A IPC, it is necessary to consider whether it is probable that the facts presented constitute *gross negligence* and an element of *mens rea*, which is likely to secure a conviction. In *Bhanwar Singh v. State*, 2021 SCC OnLine Del 2624, FIR under Section 288/304A IPC was quashed while observing that when the incident is purely accidental and the parties have also amicably resolved the dispute, no useful purpose would be served in continuing with the proceedings.



19. In the case of *Gian Singh vs. State of Punjab (2012) 10 SCC 303*, Supreme Court has observed that in the exercise of its inherent power under Section 482, the High Court can quash FIR/Charge-sheet on the basis of alleged settlement except in cases of 'heinous and serious offences of mental depravity' like rape, murder, dacoity or the cases under the Special Statutes like Prevention of Corruption Act or the offences committed by public servants while working in that capacity etc. The exclusionary category of 'heinous and serious offences of mental depravity' ought not to import offences punishable under Section 304-A IPC, where there is *mens rea* or intention/knowledge to cause death. Here, we are concerned with an offence related to negligence. Keeping in mind overall facts and circumstances and minimal chance of case resulting in conviction and, in particular, the above-stated settlement arrived at between the parties, continuing with criminal proceedings would serve no real purpose.

20. Accordingly, exercising inherent powers vested in this Court under Section 528 of *Bharatiya Nagarik Suraksha Sanhita, 2023*, it is deemed appropriate to quash the instant FIR.

21. Consequently, to secure the ends of justice, FIR No. 0253/2019 dated 18.11.2019, registered at Police Station Mayapuri, for commission of offences under Sections 287/304A IPC, along with all consequential proceedings arising therefrom, is quashed, *subject to payment of further compensation of Rs. One lac to LRs of the deceased. The next date before the learned Trial Court is stated to be 09.06.2026 and it is undertaken by the petitioners that on 09.06.2026, a draft of Rs.1,00,000/-, as additional compensation, shall be given to Sh. Ram Sogarathdass before the learned Trial Court.*



22. The petition stands disposed of in aforesaid terms.
23. Pending application also stands disposed of.

**(MANOJ JAIN)**  
**JUDGE**

**MAY 12, 2026/ss/pb**