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

+ CRL.M.C. 3918/2026 & CRL.M.A. 15904/2026

ANKIT GULATI

.....Petitioner

Through: Mr. R. Rao, Ms. Neha Jain, Advs.

versus

THE STATE (NCT OF DELHI) & ANR.

.....Respondents

Through: Mr. Hitesh Vali, APP.

Mr. Dhruv, Mr. Sahil Sharma,
Adv. for R-2.

SI Dharamveer

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **20.05.2026**

1. The petitioner has filed the present 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. 62/2019, dated 30.06.2019, registered at Police Station Parliament Street, Delhi, under Sections 279/304A of the Indian Penal Code, 1860 ["IPC"], alongwith all proceedings emanating therefrom, on the ground that the parties have amicably settled their disputes.
2. Issue Notice. Notice is accepted by Mr. Hitesh Vali, learned Additional Public Prosecutor, accepts notice on behalf of the State, and Mr. Dhruv, learned counsel accepts notice on behalf of respondent No. 2.
3. The petitioner is present in Court and has been identified by his



learned counsel, as well as by the Investigating Officer [“IO”]. Respondent No. 2 (the wife of the deceased) is also present in person and has been identified by her learned counsel, and the IO.

4. On 30.06.2019 at about 5:30 AM, a fatal road accident occurred at Raisina Road near Le Meridien Hotel, Windsor Place, New Delhi, involving a scooter driven by Mr. Dheeraj Chauhan and an unidentified black car. Upon receipt of information police reached the spot and found the scooter in a damaged condition. The injured had already been shifted to Dr. Ram Manohar Lal Hospital by PCR, where he was declared “brought dead” vide an MLC. During investigation, CCTV footage from nearby areas was examined, which showed a black-coloured car colliding with the deceased’s scooter. Thereafter, the car was traced to the petitioner, and the impugned FIR was registered against him. The deceased was 37 years old at the time of the incident.

5. Upon completion of investigation, a chargesheet has also been filed.

6. It is stated that the deceased’s father had predeceased him, and his mother has also since passed away. The deceased is therefore only survived by his wife [respondent No. 2 herein] and their three children, all of whom continue to be minors.

7. During the pendency of the MACT proceedings, the matter was referred to mediation in Delhi Mediation Centre, Patiala House Courts, Delhi, pursuant to which the parties have amicably resolved the matter, as recorded in a settlement order dated 23.06.2021.

8. The settlement has been entered into by Respondent No. 2, both in her personal capacity and on behalf of the three minor children. The



settlement constitutes a comprehensive resolution of all disputes between the parties, including the proceedings before the MACT as well as the criminal case. Under the terms of the settlement, the concerned insurance company is to pay a sum of Rs. 30,00,000/- to respondent No. 2. In addition, the petitioner is to pay a further sum of Rs. 16,00,000/- to respondent No. 2 and the children, out of which Rs. 4,00,000/- each is to be deposited in fixed deposits in the names of the three minor children, while the remaining Rs. 4,00,000/- is to be paid to respondent No. 2 by way of demand draft.

9. Learned counsel for the parties state that the settlement has been entered into voluntarily, of their own free will, and without any force, fraud, or coercion.

10. It is well settled that the High Court, in exercise of its inherent jurisdiction under Section 528 of the BNSS (corresponding to Section 482 of the CrPC), is empowered to quash criminal proceedings even in respect of non-compoundable offences, where the parties have amicably settled their dispute and where the quashing of such proceedings does not impinge upon any overriding public interest.

11. The Supreme Court, in *Gian Singh v. State of Punjab & Anr.*¹ 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

¹ (2012) 10 SCC 303.



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.”²

Further, in *Narinder Singh & Ors. v. State of Punjab & Anr.*³, 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

² Emphasis supplied.

³ (2014) 6 SCC 466.



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.”⁴

12. The Supreme Court in *State of Madhya Pradesh v. Laxmi Narayan and Others*⁵, held that the High Court must examine the nature of the offence, the role attributed to the accused, the material collected during investigation, and whether the offence is one which has such a grave

⁴ Emphasis supplied.

⁵ (2019) 5 SCC 688, paragraph 15.5.



societal impact that it transcends the personal domain of the parties. The Supreme Court has cautioned that courts must not adopt a mechanical approach merely because a particular penal section is invoked; the substance of the allegations and evidentiary material must be assessed.

13. A coordinate Bench of this Court, in *Sunil Malhotra v. State (NCT of Delhi)*⁶, undertook a comprehensive examination of precedents on the said issue, including cases involving offences under Section 279 IPC arising from motor accidents, and concluded that proceedings arising out of an offence under Section 304A IPC are amenable to quashing, including in cases where a settlement has been entered into with the legal heirs of the deceased. The Court reiterated the well-settled principle that criminal liability for negligence under Section 304A IPC is attracted only where the negligence is of a gross nature, to be determined on an assessment of the facts and circumstances of each case.

14. The criminal proceedings in the present case arise out of a road accident, and does not disclose any particular allegation of a deliberate or premeditated act on the part of the petitioner. Applying the principles enunciated above, the material placed on record *prima facie* indicates that the incident was accidental in nature, and cannot be attributed to any intentional act on the part of the petitioner. The prosecution case rests essentially on an inference of negligence arising out of the occurrence itself. No material has been brought to the notice of this Court which would, *prima facie*, disclose such conduct, so as to necessitate continuation of criminal proceedings under Section 304A IPC, despite settlement.



15. The family of the deceased has, thereafter, amicably resolved the matter, and respondent No. 2 has categorically affirmed before this Court that the settlement has been entered into voluntarily. In view of the nature of the allegations, the settlement between the parties, and the compensation received by the family of deceased, 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. Pursuant to the settlement, I am informed that the petitioner has opened fixed deposits in July 2021. The value of each of the fixed deposit is now approximately Rs. 5,07,000/-. In addition, the petitioner has tendered two cheques of Rs. 2,00,000/- each, in favour of respondent No.2. The petitioner, who is present in Court, undertakes through his counsel that the cheques will be duly honoured.

17. The matter be listed before the Joint Registrar on 26.05.2026 to report compliance.

18. It is made clear that if either of the cheques is dishonoured, the present order is liable to be recalled and the petitioner will also be liable to proceedings for contempt of Court.

19. Having regard to the aforesaid discussion, the present petition is allowed, and FIR No. 0062/2019, dated 30.06.2019, registered at Police Station Parliament Street, Delhi, under Sections 279/304A of IPC, alongwith all proceedings arising therefrom, is hereby quashed, subject to compliance with the aforesaid directions.

⁶ 2023 SCC OnLine Del 7365.



20. The parties shall remain bound by the terms of the settlement.
21. The petition along with pending application, is accordingly disposed of.

MAY 20, 2026
Tg/AD/

PRATEEK JALAN, J