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

+ **CRL.M.C. 3867/2025 & CRL.M.A. 16904/2025**

JAGDISH MOTIWAL

.....Petitioner

Through: Mr. Vipul Kr. Sharma, Advocate.

versus

STATE OF NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Tarang Srivastava, APP with
SI Pawan, PS-Vasant Kunj.

Mr. Nitesh Kumar, Advocate for
R-2 with R-2 in person.

Mr. Vijay Kumar Tiku, Advocate.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **21.01.2026**

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. 365/2023 dated 01.07.2023, registered at Police Station Vasant Kunj South, District South West, Delhi, under Sections 279/338 of the Indian Penal Code, 1860 ["IPC"], alongwith all proceedings emanating therefrom, on the ground of settlement.

2. The petitioner is present in Court and has been identified by Mr. Vipul Kr. Sharma, learned counsel, as well as by the Investigating Officer ["IO"]. Respondent No. 2 (the injured) is also present in person and has been identified by his learned counsel, Mr. Nitesh Kumar, and the IO.

3. The petitioner, who was about 76 years of age at the time of the incident, was the owner and driver of the vehicle bearing Registration No.



DL-3C-CY-2947. On 30.06.2023 at about 11:00 A.M., while the petitioner was driving the said vehicle on Main Mahipalpur Road near Vasant Kunj, New Delhi, the vehicle hit a roadside bench on which respondent No. 2 was sitting, resulting in the respondent sustaining injuries.

4. Respondent No. 2 was taken to AIIMS Trauma Centre, where Medico-Legal Case [“MLC”] No. 500382296/23 was prepared on 30.06.2023. The MLC records that the nature of the injuries as “*Grievous*”. On the basis of the MLC, FIR No. 365/2023 was registered on 01.07.2023 at Police Station Vasant Kunj (South). After investigation, a chargesheet dated 04.06.2024 was filed, and the case is presently pending as Criminal Case No. 914/2024 before the learned Additional Chief Judicial Magistrate, Patiala House Courts, New Delhi.

5. During the pendency of the criminal proceedings, the police also filed a Detailed Accident Report on 31.07.2023 before the Motor Accident Claims Tribunal, Patiala House Courts [“MACT”]. The MACT proceedings have since been disposed of, and respondent No. 2 has received compensation of approximately Rs. 7,50,000/- in respect of the injuries suffered in the accident.

6. The parties have thereafter amicably resolved their disputes by entering into a settlement. A Compromise Deed / Memorandum of Understanding has been executed between the petitioner and respondent No. 2 on 21.04.2025.

7. As per the settlement, and in addition to the compensation already received in the MACT proceedings, the petitioner agreed to pay a further sum of Rs. 40,000/- to respondent No. 2. Both parties, who are present in



Court, categorically state that the settlement has been arrived at voluntarily, without any force, fraud, or coercion, and respondent No. 2 has no objection to quashing of the FIR and the proceedings arising therefrom.

8. Demand draft of Rs.40,000/- has been handed over in Court to the respondent No. 2.

9. Although the offence under Section 279 of IPC is non-compoundable, the Supreme Court has clearly held that, in certain circumstances, the High Courts, in exercise of their powers under Section 528 of BNSS (corresponding to Section 482 of CrPC), 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.

10. 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 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

¹ (2012) 10 SCC 303.



*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 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

² Emphasis supplied.

³ (2014) 6 SCC 466.



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

11. In the present case, the criminal proceedings arise out of a road traffic accident. There is no allegation of any deliberate or intentional act on the part of the petitioner. The petitioner is also of advanced age. The injured has already been compensated under the MACT proceedings, and the parties have settled all their *inter se* disputes. Applying the tests laid down by the Supreme Court, it may be observed that respondent No. 2 has also categorically affirmed the voluntary nature of the settlement before the Court. In these circumstances, the criminal proceedings are unlikely to result in conviction, and its continuation would be an empty

⁴ Emphasis supplied.



formality, adding to the burden of the justice system and consuming public resources unnecessarily.

12. Having regard to the nature of the injuries, Mr. Sharma, on instructions from the petitioner who is present in Court, further states that the petitioner shall pay an additional sum of Rs. 25,000/- to respondent No. 2. The affidavit of compliance be filed within two weeks.

13. Having regard to the above discussion, the petition is allowed, and proceedings arising out of FIR No. 365/2023 dated 01.07.2023, registered at Police Station Vasant Kunj South, District South West, Delhi, under Sections 279/338 of the IPC, are hereby quashed, subject to the petitioner filing the affidavit of compliance as directed above.

14. The parties shall remain bound by the terms of the settlement.

15. The petition, alongwith the pending application, is accordingly disposed of.

PRATEEK JALAN, J

JANUARY 21, 2026

'Bhupi/JM'/'