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

\# **CNR No. DLHC010355832026**

\+ W.P.(CRL) 2340/2026

RAVI @ RAVI GAUTAM & ANR. .....Petitioners

Through: Mr. Abhishek Gupta, Mr. Mohish Bansal and Mr. Anshuman, Advocates with Petitioners-in-person.

versus

STATE NCT OF DELHI AND ANR .....Respondents

Through: Mr. Sanjay Lao, Senior Advocate with Mr. Shoaib Haider, Mr. Abhinav Kumar and Mr. Aryan Sachdeva, Advocates.
Insp. Satbir Singh, P.S. Jaitpur.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

O R D E R

% 29.10.2026

1. The present petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023,[1] seeking quashing of FIR No. 120/2024 dated 2nd March, 2024,[2] registered at P.S. Jaitpur under Sections 288, 336 and 304A of the Indian Penal Code, 1860,[3] and all consequential proceedings emanating therefrom, on the basis of a settlement.

2. The impugned FIR was registered on the complaint of Respondent No. 2, alleging that on 2nd March, 2024, a brick wall under construction on the first-floor balcony of a property owned by Petitioner No. 2 collapsed

[1] "BNSS"
[2] "impugned FIR"
[3] "IPC"

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upon her minor son resulting in his death. Petitioner No. 1 was the contractor engaged in the construction work. It was alleged that the incident occurred due to negligence and failure to adopt adequate safety measures during construction. Upon completion of investigation, a chargesheet was filed against both Petitioners under the aforesaid provisions.

3. During the pendency of the proceedings, the parties have amicably resolved their disputes and executed a Memorandum of Understanding dated 7th January, 2026, whereby the Petitioners have agreed to pay a total sum of INR 6,00,000/- to Respondent No. 2, with each Petitioner contributing INR 3,00,000/-. It is stated that the settlement has been arrived at voluntarily, without any force, pressure, coercion or undue influence.

4. Respondent No. 2/Complainant, Ms. Vandana, has appeared through video-conferencing, while her husband and father of the deceased child, Mr. Manish Kumar, is present in person. Both have been identified by the Investigating Officer. They state that they do not wish to pursue the criminal proceedings any further and have accepted the Petitioners' explanation that the incident resulting in the unfortunate death of their child was accidental and that the Petitioners were not responsible for the same. The demand draft for the remaining settlement amount of INR 3,00,000/- has been handed over in Court, which they acknowledge and accept. They further state that they have moved on with their lives and wish to put the unfortunate incident behind them. Accordingly, they state that they have no objection to the quashing of the impugned FIR and the proceedings emanating therefrom.

5. The Court has considered the submissions of the parties. Notably, the offences under Sections 288, 336 and 304A IPC are non-compoundable. At the same time, it is well settled that the power of the High Court under

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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.***[4], the Supreme Court has reiterated these principles and held that, in appropriate cases, the Court may quash the 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.

6. In the present case, the allegations arise from an incident in which a three-year-old child lost his life following the collapse of a brick wall during construction. The consequences of the incident are undoubtedly grave, and the loss suffered by the parents cannot be diminished by the settlement or the payment of compensation. The Court is, therefore, conscious that the matter cannot be treated as an ordinary private dispute capable of being brought to an end merely upon the parties reaching a compromise.

7. At the same time, the nature of the allegations and the circumstances in which the incident occurred are relevant. The prosecution alleges negligence in carrying out construction work, rather than any deliberate act intended to cause harm. The parents of the deceased child have appeared

[4] (2014) 6 SCC 466.

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before the Court and have expressly stated that they have understood the Petitioners' explanation regarding the accidental nature of the incident. They have also conveyed their unequivocal desire not to pursue the criminal proceedings. Their statements assume particular significance, considering that they are the persons most directly affected by the incident. The material on record also, *prima facie,* suggests that the incident was accidental in nature, with no indication of any deliberate act on the part of the Petitioners.

8. The Court has also considered that the settlement has been arrived at voluntarily and that the remaining settlement amount has been tendered and accepted in Court. While the settlement cannot undo the consequences of the incident, the parents' decision to put the matter behind them deserves due consideration. In these circumstances, having regard to the nature of the allegations, the settlement between the parties and the stand taken by the parents before this Court, the possibility of securing a conviction appears remote. Continuation of the criminal proceedings would, therefore, serve little useful purpose. Accordingly, this Court is satisfied that the present case warrants exercise of its inherent jurisdiction under Section 528 of the BNSS to secure the ends of justice.

9. In view of the foregoing, the present petition is allowed and the impugned FIR No. 120/2024, and all consequential proceedings emanating therefrom, are hereby quashed.

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

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

SANJEEV NARULA, J

OCTOBER 29, 2026/*hc*

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