



2026:DHC:2615



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

Reserved on: 19.02.2026

Pronounced on: 28.03.2026

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+ CRL.M.C. 5847/2025

SANDHA GLOBAL INFORMATION
TECHNOLOGY PVT LTD

.....Petitioner

Through: Mr. Harshal Arora, Advocate.

versus

STATE OF NCT OF DELHI & ORS.

.....Respondents

Through: Mr. Hitesh Vali, APP for State.

Mr. Vivek Nagar, Advocate for R2
to 4.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

J U D G M E N T

1. The present petition has been filed 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. 561/2024 dated 24.12.2024, registered at Police Station Najaf Garh, District Dwarka, New Delhi, under Sections 289/125(a) of the Bharatiya Nyaya Sanhita, 2023 ["BNS"], alongwith all consequential proceedings arising therefrom, on the ground that the parties have amicably settled their disputes.

2. I have heard Mr. Harshal Arora, learned counsel for the petitioner, Mr. Hitesh Vali, learned Additional Public Prosecutor, and Mr. Vivek Nagar, learned counsel for respondent Nos. 2 to 4.



3. The impugned FIR was registered at the instance of one Marcel Tiga (since deceased), who was working as a Lineman with the petitioner – Sandha Global Information Technology Private Limited. The petitioner is a service provider to BSES Rajdhani Power Limited. The allegation, as emerging from the FIR, is that, on 16.12.2024, the deceased was cutting and pruning a tree at a grid electricity office in Najafgarh, New Delhi, when a branch of the tree broke. He caught hold of another branch, which also broke, causing him to fall to the ground. He sustained injuries, and subsequently succumbed to them on 24.12.2024.

4. The family members of the deceased [respondent Nos. 2 to 4 herein] have thereafter entered into a settlement with the petitioner, as recorded in a Settlement Agreement dated 01.04.2025. The settlement *inter alia* records that the petitioner had paid a “voluntary compensation amount” of Rs. 15,00,000/- to the wife of the deceased [respondent No. 2 herein], without admitting the allegations contained in the impugned FIR, and with a view to securing the interests of the family members of its deceased employee.

5. The representative of the petitioner as well as the family members of the deceased were present before the Court during the course of the hearing, and were duly identified by the Investigating Officer as well as by their respective learned counsel. The family members of the deceased have affirmed that they have settled their disputes voluntarily, and do not wish to pursue the criminal proceedings arising out of the impugned FIR.

6. However, during the hearing on 07.01.2026, Mr. Vali sought time to file a status report, having regard to the specific allegations contained in the impugned FIR.



7. Pursuant thereto, the State has placed on record a status report alongwith relevant medical documents. It is stated therein that, at about 11:30 a.m. on 16.12.2024, the deceased was brought to Surya Kiran Hospital, Tuda Mandi, Najafgarh, after having fallen from a height. However, owing to the injuries sustained by him, he was unable to give a statement at that stage. His statement was thereafter recorded on 22.12.2024, wherein he alleged that he was not wearing any safety equipment at the time of the incident, as a result of which he sustained serious injuries. The deceased passed away on 24.12.2024 during the course of treatment. The cause of death is stated to be “*septicaemic shock consequent upon ante mortem injury to neck, produced by blunt force/surface impact to C3-C5 cervical vertebra and spinal cord*”.

8. Mr. Nagar has also placed on record an affidavit of the wife of the deceased [respondent No. 2 herein] dated 11.06.2025, wherein it is affirmed that she was present at the time the statement of the deceased was recorded, on the basis of which the impugned FIR came to be registered. It is further stated that no allegation was made by the deceased with regard to non-provision of safety equipment.

9. It is well settled that, even in cases involving non-compoundable offences, the High Court may invoke its inherent jurisdiction, as recognised under Section 482 of the CrPC [corresponding to Section 528 of the BNSS] to quash criminal proceedings on the basis of a compromise arrived at between the parties. However, the exercise of such jurisdiction is discretionary, and certain guiding principles have been evolved to assist the Court in considering applications of this nature.



10. The Supreme Court, in *Gian Singh v. State of Punjab and Anr.*¹, 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.”²

Further, in *Narinder Singh and Ors. v. State of Punjab and Anr.*³, the Supreme Court has also laid down guidelines for High Courts while

¹ (2012) 10 SCC 303.

² Emphasis supplied.



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.

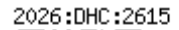
29.3. Such a power is not to be exercised in those prosecutions which involve heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. Such offences are not private in nature and have a serious impact on society. Similarly, for the offences alleged to have been committed 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.”⁴

³ (2014) 6 SCC 466.

⁴ Emphasis supplied.



11. Section 289 of the BNS (corresponding to Section 287 of the Indian Penal Code, 1860 [“IPC”]) deals with negligent conduct with respect to machinery. While considering whether proceedings relating to such an offence ought to be quashed on the basis of a settlement between the accused and the family of the victim, the Court must examine whether the allegations constitute gross negligence and the requisite element of *mens rea*, so as to render a conviction probable. Reference in this connection may be made to the judgment of the Supreme Court in *Jacob Mathew v. State of Punjab*⁵, wherein the Court examined the circumstances in which such a course can be adopted in cases involving offences under Section 304A of the IPC, and observed as follows:

“48. We sum up our conclusions as under:

xxxxx xxxxx xxxxx xxxxx

(5) The jurisprudential concept of negligence differs in civil and criminal law. What may be negligence in civil law may not necessarily be negligence in criminal law. For negligence to amount to an offence, the element of mens rea must be shown to exist. **For an act to amount to criminal negligence, the degree of negligence should be much higher i.e. gross or of a very high degree.** Negligence which is neither gross nor of a higher degree may provide a ground for action in civil law but cannot form the basis for prosecution.

(6) The word “gross” has not been used in Section 304-A IPC, yet it is settled that in criminal law negligence or recklessness, to be so held, must be of such a high degree as to be “gross”. The expression “rash or negligent act” as occurring in Section 304-A IPC has to be read as qualified by the word “grossly”.⁶

12. The aforesaid principle has been followed by this Court in a catena of decisions, including the following:

⁵ (2005) 6 SCC 1.

⁶ Emphasis supplied.



- a. In *Babu Khan and Anr. v. State and Ors.*⁷, this Court specifically rejected the submission that an earlier judgment in *Bhajan Lal Sharma v. State (Govt. of NCT of Delhi)*⁸ prohibits the exercise of such jurisdiction in cases involving offences under Section 304A of the IPC.
- b. In *Ajay Agarwal v. State of NCT of Delhi and Anr.*⁹, this Court quashed an FIR registered under Sections 366/304A of the IPC, and observed as follows:

“12. It would be worthy to note that the exclusionary category for quashing i.e. ‘heinous and serious offences of mental depravity’ ought not to import offences punishable under Section 304-A which applies to cases where there is no intention to cause death and no knowledge that the act done in all probability will cause death. It is not a pre-meditated act. Negligence is a breach of duty imposed by law. In any event, as propounded in Babu Khan (supra) – for negligence to amount to an offence, the element of mens rea must be shown to exist. For an act to amount to criminal negligence, the degree of negligence should be much higher i.e. gross or of a very high degree. In criminal cases, the amount and degree of negligence are determining factors. A question whether the accused's conduct amounted to culpable rashness or negligence depends directly on the question as to what is the amount of care and circumspection which a prudent and reasonable man would consider it to be sufficient considering all the circumstances of the case.

13. What therefore also needs to be seen by the courts, and has been in multitude of decisions (including those adverted to above), as part of the assessment of ‘ends of justice’, is whether the complainant would be better served by receiving compensation which he/she may deem adequate considering the circumstances of their life, their socio-economic status, rather than awaiting a long trial and a remote possibility of conviction. Even if the conviction is successful in the final run, the complainant would still have to possibly await the culmination of rounds of appeal in order to reach a legal conclusion. Even at that

⁷ 2019 SCC OnLine Del 10007, paragraph 8.

⁸ 2019 SCC OnLine Del 4234.

⁹ CRL.M.C. 2899/2018, decided on 16.05.2023.



stage, whether there would be any compensation for the complainant, or not, is open to speculation. There is an argument that by providing compensation, an encouragement is being made for the accused to simply be exonerated by paying monetary compensation. Even though this is a legitimate concern, it needs to be weighed and measured in a balance; sifted, winnowed and filtered using the sieve of principles culled out above. It requires both analytical and intuitive assessment by the court, since it involves both legal assessment and awareness of the social and practical reality.”

c. In *Sunil Malhotra v. State (NCT of Delhi)*¹⁰, a coordinate Bench of this Court undertook an analysis of several decisions of this Court on the same issue, and held that proceedings arising from an offence under Section 304A of the IPC are amenable to quashing, including where a settlement has been arrived at with the legal heirs of the deceased. The Court reaffirmed the settled position that criminal liability for negligence is attracted only when the negligence is culpable or gross, which must be assessed in light of the facts and circumstances of each case.

13. In the present case, the material on record indicates that the unfortunate incident occurred while the deceased was engaged in cutting and pruning a tree in the course of his employment with the petitioner. The status report records the statement of the deceased that he was not wearing safety equipment at the time of the incident. However, apart from the said allegation, there is no material which *prima facie* indicates negligence of such a degree, so as to satisfy the threshold of gross negligence required for ascribing criminal liability. Furthermore, as noted above, the parties have entered into a settlement, and the petitioner has

¹⁰ 2023 SCC OnLine Del 7365.



2026:DHC:2615



paid a sum of Rs. 15,00,000/- to the wife of the deceased.

14. Applying the principles laid down by the Supreme Court and this Court to the facts of the present case, I am of the view that this is a fit case for exercise of the inherent powers of this Court to quash the impugned FIR. In the facts and circumstances, the possibility of conviction appears remote, and continuation of the criminal proceedings would not serve the ends of justice.

15. By order dated 04.09.2025, learned counsel for the petitioner was granted time to seek instructions as to the assistance that may be extended for the benefit of the minor child of the deceased [respondent No. 4 herein]. Further time in this regard was granted by order 06.01.2026.

16. Mr. Arora submitted that, in these circumstances, and with a view to safeguard the interest of the minor child, the petitioner has agreed to pay an additional sum of Rs. 5,00,000/- to the wife of the deceased. The said amount, if not already paid, shall be paid within a period of four weeks from today. An affidavit of compliance be filed within two weeks thereafter.

17. Having regard to the above discussion, the petition is allowed, and FIR No. 561/2024 dated 24.12.2024, registered at Police Station Najaf Garh, District Dwarka, New Delhi, under Sections 289/125(a) of the BNS, alongwith all consequential proceedings emanating therefrom, is hereby quashed.

18. The petition stands disposed of in terms of the aforesaid.

PRATEEK JALAN, J

MARCH 28, 2026/KA/