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

+ CRL.M.C. 6739/2025

MD ASFAQ @ MOHD ASHPAKPetitioner
Through: Mr. Ajay M. Lal, Advocate.

versus

THE STATE GOVT OF NCT OF DELHI & ORS.Respondents
Through: Ms. Manjeet Arya, APP alongwith
Mr. Abhimanyu Arya, Advocate.
SI Lalit Kumar.
Ms. Maneesha, Advocate for R2 to
R5.

CORAM:
HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER
15.04.2026

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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. 281/2023 dated 02.05.2023, registered at Police Station Sarai Rohilla, District North, New Delhi, under Section 304A of the Indian Penal Code, 1860 ["IPC"], and all consequential proceedings emanating therefrom, on the ground of settlement.
2. The facts, as emerging from the impugned FIR, are that, on 01.05.2023, a call was received from Acharya Shree Bhikshu Hospital, New Delhi, informing that one Mehboob, while connecting a cooler wire at a factory, suffered an electric shock. He was brought to the hospital by



his nephew, where he was declared brought dead.

3. Upon completion of the investigation, a chargesheet was filed. As per the post-mortem report, the cause of death was stated to be “*electric shock consequent upon ante mortem electrocution*”.

4. The petitioner herein is the owner of the factory/manufacturing unit where the deceased was engaged on an ad-hoc basis. Respondent Nos. 2 to 5 are the legal heirs of the deceased, being his wife and three minor children.

5. During the pendency of the proceedings, the petitioner amicably settled the matter with the wife of the deceased [respondent No.2 herein], acting on behalf of herself and her minor children, as recorded in a Compromise Deed/Memorandum of Understanding dated 28.08.2025.

6. In light of the aforesaid, the parties seek quashing of the impugned FIR.

7. The petitioner and respondent No. 2 are present in Court, and have been duly identified by their respective learned counsel as well as by the Investigating Officer.

8. The settlement contemplates payment of a sum of Rs. 5,50,000/- by the petitioner to respondent No. 2. I am informed that the entire amount has been paid in terms of the settlement.

9. Learned counsel for the parties confirm that the settlement has been entered into voluntarily and without any coercion or undue pressure.

10. Although the offence under Section 304A of the IPC is non-compoundable, the Supreme Court has clearly held that, in certain circumstances, the High Courts, in exercise of their powers under Section 482 of CrPC [corresponding to Section 528 of BNSS], 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.

11. 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-

¹ (2012) 10 SCC 303.



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 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.

² Emphasis supplied.

³ (2014) 6 SCC 466.



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 non-compoundable nature of Section 304A of the IPC, thus, does not, *ipso facto*, operate as an absolute bar to the exercise of the inherent jurisdiction of the Court to quash criminal proceedings. This Court has, in a catena of decisions, delineated the circumstances in which such power may be invoked even in cases arising under the said provision. In *Babu Khan and Anr. v. State and Ors.*⁵, this Court adverted to the aforesaid judgments of the Supreme Court and observed as follows:

“20. In *Jacob Mathew v. State of Punjab*, (2005) 6 SCC 1, the Supreme Court had explained that for a negligent act to constitute an offence, under Section 304A of the IPC, the same should be gross negligence and an element of *mens rea* must be shown to exist. The Court had further explained that the degree of negligence which is punishable under Section 304A of the IPC should be of a high degree. The Court had observed as under:—

“48. We sum up our conclusions as under:

...(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 304A of 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 304A of the IPC has to be read as qualified by the word ‘grossly’...”

⁴ Emphasis supplied.

⁵ 2019 SCC OnLine Del 10007 [hereinafter, “*Babu Khan*”].



21. Thus, while evaluating whether a proceeding relating to an alleged offence, under Section 304A of the IPC, be quashed on the basis of a settlement between the accused and the victim, it would also be necessary to consider whether it is probable that the facts presented would constitute gross negligence and an element of mens rea, which is likely to secure a conviction.”

The Court specifically rejected the submission that an earlier judgment in *Bhajan Lal Sharma v. State (Govt. of NCT of Delhi)*⁶ prohibits such a course⁷.

13. A coordinate Bench of this Court, in *Sunil Malhotra v. State (NCT of Delhi)*⁸, 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 under Section 304A of the IPC is attracted only when the negligence is gross, which must be assessed in light of the facts and circumstances of each case.

14. Applying the principles enunciated above, the material placed on record *prima facie* indicates that the incident was accidental and arose in the course of the work undertaken at the site, and cannot be attributed to any intentional or grossly negligent act on the part of the petitioner. No material has been brought to the notice of this Court that, *prima facie*, discloses such a degree of rashness or negligence as would satisfy the threshold of “gross negligence” so as to necessitate the continuation of criminal proceedings, despite the settlement.

⁶ 2019 SCC OnLine Del 4234.

⁷ *Babu Khan*, paragraph 8.



15. Respondent No. 2, who is present in Court and represented by counsel, has also affirmed that the settlement has been entered into voluntarily and without any coercion or undue influence. Having regard to the unequivocal stand taken by her that she does not wish to pursue the matter any further, the possibility of the prosecution establishing criminal negligence beyond reasonable doubt appears remote. In these circumstances, the continuation of criminal proceedings would serve no useful purpose and would not advance the ends of justice.

16. However, with a view to safeguard the interest of the minor children of the deceased, the petitioner has agreed to pay an additional sum of Rs. 1,00,000/- to respondent No. 2. The said amount shall be paid within a period of one week from today. An affidavit of compliance be filed within one week thereafter.

17. Having regard to the above discussion, the petition is allowed, and FIR No. 281/2023 dated 02.05.2023, registered at Police Station Sarai Rohilla, District North, New Delhi, under Section 304A of the IPC, alongwith all consequential proceedings arising therefrom, is hereby quashed, subject to payment of a further sum of Rs. 1,00,000/- as aforesaid.

18. The petition accordingly stands disposed of.

PRATEEK JALAN, J

APRIL 15, 2026

SS/KA/

⁸ 2023 SCC OnLine Del 7365.