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

+ CRL.M.C. 6758/2025
MOMIN ALI

.....Petitioner

Through: Mr. Chaman Sharma, Advocate for
the petitioner.

versus

THE STATE NCT OF DELHI & ORS.

.....Respondent

Through: Mr. Aashneet Singh, APP with IO
Mr. Manoj Kumar, Advocate for
R-2 and 3 with R-2 and R3 in
person.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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23.03.2026

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. 282/2023 dated 24.10.2023, registered at Police Station Gulabi Bagh, District North, Delhi, under Sections 287/304A of the Indian Penal Code, 1860 ["IPC"] and all consequential proceedings emanating therefrom, on the ground of settlement.
2. The FIR has been registered at the instance of respondent No. 2, who is a co-worker of the deceased Sahil and was engaged at the construction site through the contractor, Sh. Vinod Kumar, who had been given sub-contract of plumbing work in property No. 416/18, Kashmiri Bagh, Kishan Ganj, Delhi, by the present petitioner.



3. A written complaint was made by respondent No. 2, Sachin Kumar before P.S. Gulabi Bagh, wherein it is alleged that on 23.10.2023 at about 5:45 PM, while carrying out plumbing work at the aforementioned property, the deceased Sahil (aged 22 years) suffered an electric shock due to contact with a damaged wire of a hammer machine. Respondent No. 2 stated that despite prior warnings regarding defective wiring and lack of safety equipment, no corrective measures were taken by the contractor and plumber. Sahil was immediately taken to N.K.S. Hospital, where he was declared brought dead. On the basis of the said complaint, the impugned FIR was registered on 24.10.2023.

4. Upon completion of investigation, chargesheet has been filed in May 2024. I am informed by learned counsel for the parties that the matter is pending before the Magistrate's Court, Tis Hazari, for arguments on charge.

5. During the pendency of the proceedings, the petitioner has amicably settled the matter with respondent No. 2 and the parents of the deceased, As per the oral settlement, the parties agreed to resolve the dispute fully and finally for a total sum of Rs. 4,50,000/-.

6. In part performance of the settlement, the petitioner has already paid a sum of Rs. 2,50,000/- on 01.03.2024 to Smt. Anita Devi, wife of respondent No. 3 and mother of the deceased Sahil, in her bank account. It was also agreed that the remaining amount of Rs. 2,00,000/- shall be paid at the time of quashing of the FIR before this Court.

7. Smt. Anita Devi has, however, since passed away on 26.08.2024, and now respondent No. 3, father of the deceased, is the sole surviving legal heir. A copy of the death certificate of Smt. Anita Devi is annexed



to the petition as Annexure A-2.

8. In furtherance of the aforesaid understanding, a written Settlement Deed dated 29.08.2025 has been executed between the petitioner and respondent Nos. 2 and 3.

9. In light of the aforesaid, parties seek quashing of the impugned FIR and consequential proceedings emanating therefrom.

10. The petitioner is present in Court, and is identified by his learned counsel, as well as by the Investigating Officer ["IO"]. Respondent No. 2 and 3 are also present in person, and are identified by their learned counsel and the IO.

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

12. Although the offences under Sections 287/304-A of the IPC are non-compoundable, it is well settled that the High Courts, in exercise of their inherent jurisdiction under Section 482 of the CrPC (corresponding to Section 528 of the BNSS), may quash criminal proceedings, even in respect of non-compoundable offences, where the parties have amicably settled their disputes, provided that no overriding public interest is adversely affected.

13. 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

¹ (2012) 10 SCC 303.



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 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

² Emphasis supplied.

³ (2014) 6 SCC 466.



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

14. The non-compoundable nature of Section 304A of the IPC, thus, does not, *ipso facto*, operate as an absolute bar to the exercise of this Court’s inherent jurisdiction 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

⁴ Emphasis supplied.



*Babu Khan and Anr. v. State and Ors.*⁵, after advertng to the aforesaid decisions of the Supreme Court, this Court 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’...”

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 operates as a bar to the adoption of such a course⁷.

15. A coordinate Bench of this Court, in *Sunil Malhotra v. State (NCT*

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

⁶ 2019 SCC OnLine Del 4234.

⁷ *Babu Khan*, paragraph 8.



of Delhi)⁸, undertook a comprehensive examination of precedents on the said issue 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.

16. Applying the principles enunciated above, the material placed on record *prima facie* indicates that the incident was accidental in nature and arose in the course of work being 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 which would, *prima facie*, disclose such a degree of rashness or negligence as would satisfy the threshold of “gross negligence” so as to necessitate continuation of criminal proceedings under Section 304A IPC, despite settlement. Respondent Nos. 2 and 3 have also affirmed before this Court that the settlement has been entered into voluntarily and without any coercion or undue influence. Having regard to the unequivocal stand taken by the respondents that they do not wish to pursue the matter any further, the possibility of the prosecution establishing criminal negligence beyond reasonable doubt appears remote and bleak. In these circumstances, continuation of the criminal proceedings would serve no useful purpose and would not advance the ends of justice.

17. The settlement contemplates payment of a total sum of Rs.

⁸ 2023 SCC OnLine Del 7365.



4,50,000/- to the parents of the deceased. Mr. Manoj Kumar submits that a sum of Rs. 2,50,000/- has already been paid. The balance amount of Rs. 2,00,000/- has been handed over by way of Demand Draft in Court today to the father of the deceased, i.e., respondent No. 3. Mr. Sharma states upon instructions from the petitioner, that in addition to the agreed amount, a further amount of Rs. 1,00,000/- shall be paid by the petitioner within a period of two weeks. The petitioner shall file an affidavit of undertaking in this regard within one week.

18. Having regard to the above discussion, the petition is allowed, and FIR No. 282/2023 dated 24.10.2023, registered at Police Station Gulabi Bagh, District North, Delhi, under Sections 287/304A, along with all consequential proceedings arising therefrom, is hereby quashed, subject to payment of the remaining sum of Rs. 1,00,000/- to the father of the deceased within a period of two weeks from today.

19. The parties will remain bound by the terms of the settlement.

20. The petition accordingly stands disposed of.

PRATEEK JALAN, J

MARCH 23, 2026/SV/JM/