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

\# **CNR No. DLHC010735282025**

\+ W.P.(CRL) 3163/2025

SH VICKY KUMAR .....Petitioner

Through: Mr. Rahul Bhardwaj, Advocate.
Petitioner in person.

versus

THE STATE GOVERNMENT OF NCT OF DELHI & ORS.
.....Respondents

Through: Mr. Yasir Rauf Ansari, ASC for State with Mr. Alok Sharma, Ms. Pragya Sharma & Ms. Pavitra Dixit, Advocates.
SI Yudhveer Singh and ASI Santosh Kumar, P.S.: Begumpur
R-2 & 3 in person.

CORAM:
HON'BLE MR. JUSTICE AMIT BANSAL

O R D E R

% 06.10.2026

1. The present petition has been filed seeking quashing of FIR No. 142/2025 dated 1st March, 2025 under Sections 289/106(1) of the Bharatiya Nyaya Sanhita, 2023 ('BNS') registered at Police Station Begumpur and the all proceedings emanating therefrom, on the basis of settlement.

2. The deceased, Amar Singh, had died due to an electric shock while working as a caretaker at an E-Rickshaw charging station owned by petitioner, which had resulted in the filing of the present FIR.

3. Respondent no.2/complainant is the wife of the deceased and the

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respondent no.3 is the son of the deceased.

4. The parties have settled their disputes in terms of the Settlement Deed dated 1st September, 2025, which is filed as *Annexure P-4* to the petition.

5. In terms of the settlement, Rs.3 lakhs has already been paid by the petitioner to the respondents no.2 and 3.

6. Counsel for the petitioner submits that in addition, a further sum of Rs. 2 lakhs has also been paid to respondents no. 2 and 3.

7. The respondents no.2 and 3 are present in Court and have been identified by the Investigating Officer ('IO'). They inform the Court that they have received the sum of Rs. 5 lakhs and they have settled the matter of their own free will and without any coercion. They further state that they do not wish to pursue the present FIR any further and have no objection if the present petition is allowed.

8. The petitioner is present in Court and has been identified by his counsel and the IO. He affirms the statement of the respondents no.2 and 3.

9. The issue whether an FIR involving offences under Section 304A IPC/106(1) BNS can be quashed on the ground of settlement is no longer res integra.

10. In ***Babu Khan and Anr.* v. *State and Ors***[1], 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:-*

[1] 2019 SCC OnLine Del 10007.

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> *"48. We sum up our conclusions as under:*
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> *….(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.*
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> *(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'…"*
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> *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."*

11. A coordinate Bench of this Court in ***Sunil Malhotra* v. *State (NCT of Delhi)***[2], after considering various judicial precedents governing the quashing of proceedings under Section 304A IPC, held that there is no absolute bar to exercising the inherent jurisdiction of the High Court to quash such proceedings, even where the offence is non-compoundable. The Court further observed that criminal liability for negligence under Section 304A IPC is attracted only where the negligence is of a gross nature and it has to be determined in light of the facts and circumstances of each case.

12. In my opinion, the observations made in the case above are squarely applicable to the facts of the present case. The deceased, Amar Singh,

[2] 2023 SCC OnLine Del 7365.

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suffered an electric shock while working as a caretaker at the E-Rickshaw charging station and died as a result thereof. The incident appears to have been accidental in nature and there is no material on record indicating any intentional act or gross negligence attributable to the petitioner.

13. In these circumstances, particularly in view of the voluntary settlement arrived at between the parties and the statement of respondents no.2 and 3 that they do not wish to pursue the matter, the possibility of the prosecution establishing criminal negligence against the petitioner appears remote.

14. Even though no amount of money can compensate the loss of life of a loved one, it still may enable the family members to lead a life of dignity. To show his *bonafide*, the petitioner has paid a further sum of Rs.2 lakhs to respondents no.2 and 3 in Court today.

15. Considering the above settlement between the parties, it would be in the interest of justice to quash the aforementioned FIR and the proceedings pursuant thereto.

16. Consequently, the FIR No.142/2025 registered at Police Station Begumpur, Delhi and proceedings pursuant thereto are quashed.

17. The petition stands disposed of.

AMIT BANSAL, J

OCTOBER 6, 2026
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