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

\# **CNR No. DLHC010735332025**

\+ W.P.(CRL) 3168/2025

DILDAR .....Petitioner

Through: Mr. Naresh Kumar, Mr. Deepak Dhawan, Mr. Mayank Aggarwal, Mr. Manmeet Singh Duggal and Mr. Ramneek Singh, Advocates along with petitioner-in-person.

versus

STATE GOVT. OF NCT OF DELHI AND ORS. .....Respondents

Through: Mr. Yasir Rauf Ansari, ASC for State with Mr. Alok Sharma, Ms. Pragya Sharma and Mr. Pavitra Dixit, Advocates.
Mr. Rakesh, SI, P.S. Paschim Vihar.
Mr. Satya Prakash, Mr. Ashutosh Kumar and Mr. Sanjay Sonkar, Advocates for respondents.
R-2 to R-4 in person.

CORAM:
HON'BLE MR. JUSTICE AMIT BANSAL

O R D E R

% 28.10.2026

1. The present petition has been filed seeking quashing of the FIR No.0320/2025 dated 4th August, 2025 for offences under Sections 106(1) of Bhartiya Nyaya Sanhita ('BNS') registered at Police Station Paschim Vihar, Delhi and the proceedings arising therefrom, on basis of settlement.

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2. Issue Notice.

3. Notice is accepted by APP appearing on behalf of the State and by counsel appearing on behalf of the respondents.

4. The deceased, Tulsi Yadav died due to an electric shock while working as a servant in house of the petitioner, which resulted in filing of the present FIR.

5. Respondent no.2 is the wife of the deceased, respondent no.3 is the son of the deceased and respondent no.4 is the daughter of the deceased.

6. The parties have settled their disputes in terms of the Settlement Agreement dated 5th August, 2025, which has been placed on record as Annexure P-2 to the petition. The matter was settled between the parties for a sum of Rs.9,00,000/-, out of which Rs.4,50,000/- has already been paid. Balance amount of Rs.4,50,000/- has been paid by way of demand draft in Court today. To show his *bonafide*, the petitioner has paid a further amount of Rs.3,00,000/- by way of demand draft in Court today.

7. The respondents no.2 to 4 are present in Court and has been identified by their counsel as well as by the Investigating Officer ('IO'). They inform the Court that they have settled the matter of their own free will and without any coercion. They further state that they have received the total payment under the settlement and have no objection to quashing of the present FIR.

8. The petitioner is present in Court and has been identified by his counsel. He affirms the statement of the respondents and undertakes to abide by the terms of settlement arrived at between the parties.

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.

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10. In Babu Khan and Anr. v. State and Ors, 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:-*
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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)***, 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

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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, Tulsi Yadav, suffered an electric shock while working as a servant cleaning up rain water when he came in contact with a water pump 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 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.3,00,000/- to the respondents in court today.

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

16. Consequently, the FIR No.0320/2025 dated 4th August, 2025 registered at Police Station Paschim Vihar and the proceedings pursuant thereto are quashed.

17. The petition stands disposed of.

AMIT BANSAL, J

OCTOBER 28, 2026/*Vivek/-*

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