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

+ **CRL.M.C. 7724/2025 & CRL.M.A. 32296/2025**

AMARDEEP SINGH

.....Petitioner

Through: Mr. Vipin Rathi, Advocate with
petitioner in person.

versus

STATE OF GOVT. NCT OF DELHI & ANR.Respondents

Through: Mr. Hitesh Vali, APP with SI
Pradeep Chauhan.

Mr. Saksham Saxena, Advocate for
R-2.

Mr. B. Badrinath, Advocate for
DSL SA.

Mr. Sarthak Karol, SC for
DHCLSC.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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16.02.2026

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. 331/2019 dated 20.06.2019, registered at Police Station Kalkaji, District South East, Delhi, under Sections 288/338 of the Indian Penal Code, 1860 ["IPC"], and all proceedings emanating therefrom, on the ground of settlement.

2. Issue notice. Mr. Hitesh Vali, learned Additional Public Prosecutor, accepts notice on behalf of the State. Mr. Saksham Saxena, learned counsel, accepts notice on behalf of respondent No. 2.



3. The petition is taken up for disposal with the consent of learned counsel for the parties.

4. The facts, as set out in the complaint filed by respondent No. 2/complainant before P.S. Kalkaji, are that on 05.05.2019 at about 1:45 P.M, the petitioner was allegedly carrying out illegal construction and plumbing work on the third-floor terrace of property bearing No. B-136, Kalkaji, despite repeated objections and warnings from respondent No. 2 and other residents. During the course of such construction, a wall allegedly collapsed, and debris fell onto the premises of respondent No. 2, striking his minor son, Ayush, on the head while he was inside his room, thereby causing grievous head injuries. The child was initially taken to a local hospital and was thereafter admitted to AIIMS Trauma Centre, where he underwent emergency medical treatment, including a surgical procedure. On the basis of the said complaint and the Medico-Legal Case, which confirmed the injuries to be grievous in nature, the subject FIR was registered on 20.06.2019.

5. Upon completion of the investigation, a chargesheet was filed on 05.06.2021 against the petitioner and co-accused Ravinder, who was a plumber engaged by the petitioner. By order dated 17.01.2022 (in Criminal Case No. 8745/2021), the learned Metropolitan Magistrate, District South East, Saket Courts, discharged the co-accused and framed charges under Sections 288/338 of the IPC against the petitioner. The case is at the stage of “*Misc./Appearance*” and is next listed before the Judicial Magistrate First Class, Saket Courts, on 19.02.2026.

6. During the pendency of proceedings, with the intervention of neighbours and mutual acquaintances, the parties entered into a



settlement recorded in a Memorandum of Understanding dated 04.10.2025, which contemplates payment of Rs.10,50,000/- by the petitioner to respondent No. 2 (father of the victim), and quashing of all pending proceedings.

7. In light of the aforesaid, the parties seek quashing of the impugned FIR, alongwith all consequential proceedings emanating therefrom.

8. The petitioner is present in Court, and is identified by his learned counsel, Mr. Vipin Rathi, as well as by the Investigating Officer [“IO”]. Respondent No. 2 is also present in person, and is identified by Mr. Saxena and the IO. Learned counsel for the parties confirm that the settlement has been entered into voluntarily and without any coercion or undue pressure.

9. By orders dated 03.11.2025 and 10.12.2025, a direction was given for verification of the medical condition of the minor son of respondent No. 2. Two medical reports have since been placed on record. By order dated 31.01.2026, it was recorded as follows:

“2. There are now two medical reports on record. The report dated 22.11.2025 states that the complainant’s son suffered permanent brain damage as a result of the injury sustained in the incident in question. In the opinion of the doctor, the resulting cognitive impairment is likely to be long-term and permanent. Pursuant to the order dated 10.12.2025, a further assessment was undertaken, wherein it is stated that the complainant’s son, who is studying in Class XI, was able to sustain his attention, maintain eye-to-eye contact, establish rapport, and complete the performance tests administered by the doctors. However, his IQ was found to be below average intellectual functioning.

3. Without prejudice to the rights and contentions of the parties, I am of the view that an indication from the Delhi State Legal Services Authority as to the assessment of victim compensation under Section 357A of the Code of Criminal Procedure, 1973, in the present case would assist the Court in adjudication.”



10. Pursuant to the order dated 31.01.2026, the Delhi State Legal Services Authority has submitted a report dated 13.02.2026, which is handed up in Court and is taken on record. It states that under the Delhi Victims Compensation Scheme, 2018, the maximum awardable compensation for a minor victim, who suffered grievous injuries, as in the present case, is Rs. 3,00,000/-. The amount of compensation agreed between the parties in this case is thus far higher, being Rs.10,50,000/-.

11. The Supreme Court has clearly held that, in certain circumstances, the High Courts, in exercise of their powers under Section 528 of BNSS (corresponding to Section 482 of CrPC), 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.

12. The Supreme Court, in *Gian Singh v. State of Punjab*¹, has 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*

¹ (2012) 10 SCC 303.



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 & Ors. v. State of Punjab & 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

² Emphasis supplied.

³ (2014) 6 SCC 466.



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

13. The offences alleged in the subject FIR arise out of a construction-related incident between neighbours. The dispute does not involve any element of heinous criminality. The material on record does not disclose any gross negligence of a nature which would require the proceedings to be continued in the public interest. The petitioner has compensated the family of the victim, which they have accepted. Applying the tests laid down by the Supreme Court, it may be observed that the respondent No. 2 (father of the victim) has also categorically affirmed the voluntary



nature of the settlement before the Court. In these circumstances, the criminal proceedings are unlikely to result in conviction, and its continuation would be an empty formality, adding to the burden of the justice system and consuming public resources unnecessarily.

14. In the course of hearing, Mr. Rathi states that Rs.3,00,000/- has already been paid. A demand draft of Rs.7,50,000/- is handed over to respondent No. 2 in Court.

15. In view of the injuries suffered, the petitioner, who is present in Court, undertakes that a further sum of Rs.1,50,000/- will be paid to respondent No.2 within a period of two weeks from today. A compliance affidavit be filed by the petitioner within 4 weeks from today.

16. Having regard to the aforesaid facts and circumstances, the FIR No. 331/2019 dated 20.06.2019, registered at Police Station Kalkaji, District South East, Delhi, under Sections 288/338 of the IPC, alongwith all consequential proceedings arising therefrom, is hereby quashed.

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

18. The petition, alongwith the pending application, accordingly stands disposed of.

PRATEEK JALAN, J

FEBRUARY 16, 2026
SS/JM/

⁴ Emphasis supplied.