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

+ **CRL.M.C. 7944/2025 & CRL.M.A. 33229/2025**

MAHENDER KUMAR & ORS.Petitioners

Through: Ms. Prachi Gupta with Ms. Suhani
Gupta, Advocates.

versus

STATE NCT OF DELHI AND ORSRespondents

Through: Ms Manjeet Arya, APP. SI Anil
Kumar, PS-Hazarat Nizamuddin.
Mr. Sarthak Karol, Advocate for
complainant (DHCLSC).

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **07.02.2026**

1. The petitioners have approached this Court for quashing of FIR No. 59/2024, dated 12.03.2024, registered under Sections 288/304A/34 of the Indian Penal Code, 1860 ["IPC"], at Police Station Hazrat Nizamuddin, District South East, Delhi.
2. The FIR pertains to the demise of one Naklesh Paswan at Guru Ravidas Mandir, Bhogal, New Delhi, on 11.03.2024.
3. The FIR was registered upon receipt of information that the deceased had died by plaster falling at his chest while he was sleeping at the aforesaid temple. He was taken to Safdarjung Hospital by his relative Pankaj Paswan and was declared brought dead. The date of the death was 11.03.2024. At the temple, the police was informed by the relatives of the deceased namely – Pankaj Paswan, Babhul Paswan and Kamal Paswan-



that they and the deceased were working as daily wage labourers and were living in the temple premises. On the night of 11.03.2024, the deceased was sleeping in the basement of the temple when he was injured by plaster falling from the ceiling.

4. After investigation, the chargesheet has been filed on 03.06.2024 under the aforesaid sections against the petitioners, who are members of Managing Committee of the temple.

5. The present petition for quashing has been filed on the basis of Memorandum of Understanding between the petitioners and the two relatives of the deceased namely Kamal Paswan and Babhul Paswan, who were living with the deceased in the temple premises, stating that the death occurred due to an accident and not due to omission and negligence on the part of the petitioners. The aforesaid relatives of the deceased have signified no objection to the relief sought by the petitioners, by filing of affidavits.

6. Learned counsel for the parties thus seek quashing of the impugned FIR and consequential proceedings emanating therefrom.

7. During the course of the proceedings, it was directed by order dated 11.11.2025, that the wife, two daughters, and son of the deceased be impleaded. They have accordingly been impleaded.

8. The wife and son of the deceased are present in Court and are identified by the Investigating Officer. At my request, Mr. Sarthak Karol, learned Standing Counsel for the Delhi High Court Legal Services Committee, has interacted with them and made submissions on their behalf. He states that the family belongs to an economically weaker section of society and are residents of Bihar. They do not wish to



participate in any criminal proceedings or seek any compensation from the petitioners, as they state that the deceased was given shelter in the temple on humanitarian grounds and that they have no grievance against the petitioners. A statement of Guddu Paswan, son of late Naklesh Paswan, has been recorded in Court. The statement was made by him in Hindi and has been recorded by me in English. The statement is on the same lines, as submitted by Mr. Karol.

9. Although a chargesheet has been filed in this case, there is no specific allegation in the chargesheet with regard to negligence of the petitioners or any inculpatory material in this regard.

10. The Supreme Court has clearly held that, even in the case of non-compoundable offences, the Court may take into account all the facts and circumstances and quash the proceedings in appropriate cases on the ground of a compromise.

11. The Supreme Court, in *Gian Singh v. State of Punjab & Anr.*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

12. The fact that Sections 288/304A of the IPC are non-compoundable does not therefore create an absolute bar to quashing. As held by the Supreme Court in *State of Madhya Pradesh v. Laxmi Narayan and Others*, [(2019) 5 SCC 688, paragraph 15.5], the High Court must examine the nature of the offence, the role attributed to the accused, the material collected during investigation, and whether the offence is one which has such a grave societal impact that it transcends the personal domain of the parties. The Supreme Court has cautioned that courts must



not adopt a mechanical approach merely because a particular penal section is invoked; the substance of the allegations and evidentiary material must be assessed.

13. Applying the above test to the present case, the material on record shows that the unfortunate demise of Naklesh Paswan occurred due to plaster falling from the ceiling of the temple basement where he was sleeping. The chargesheet does not attribute any specific overt act, deliberate omission, or conscious negligence to the petitioners. There is no material suggesting prior complaints, knowledge of imminent danger, or wilful disregard of safety obligations. The prosecution case rests essentially on an inference of negligence arising out of the occurrence itself.

14. The Court must also consider whether the possibility of conviction is remote. In the present case, in light of the categorical stand of the legal heirs of the deceased that they do not allege fault or seek prosecution, the likelihood of the prosecution successfully establishing criminal negligence beyond reasonable doubt appears bleak. Furthermore, learned counsel for the parties have also confirmed before the Court that the settlement was arrived at voluntarily. Continuation of proceedings in such circumstances would not advance the cause of justice.

15. I have also been informed that the temple Committee had earlier provided a sum of Rs. 50,000/- towards transport of the body of the deceased and for performance of the last rites.

16. At my request, Ms. Prachi Gupta, learned counsel for the petitioners, has taken instructions and states that a further amount of Rs.1

⁴ Emphasis supplied.



lakh will be paid to the family of the deceased on humanitarian grounds. A fixed deposit for the said amount in the name of the wife of the deceased be handed over to her by 09.02.2026.

17. Having regard to all the aforesaid facts and circumstances, I am of the view that it is appropriate to quash the FIR on the above understanding. The FIR bearing No. 59/2024, dated 12.03.2024, registered under Sections 288/304A/34 of the IPC, at Police Station Hazrat Nizamuddin, District South East, Delhi stands quashed, subject to compliance of paragraph No. 16 above.

18. It is made clear that this judgment does not come in the way of the family of the deceased seeking compensation under the Victim Compensation Scheme, if otherwise admissible. Mr. Karol graciously states that he will facilitate the completion of formalities if the family so desires.

19. The petition, alongwith pending application, is disposed of with these directions.

20. The Court records its appreciation for the assistance of Ms. Gupta, learned Additional Public Prosecutor, and Mr. Karol.

PRATEEK JALAN, J

FEBRUARY 7, 2026

'Bhupi/JM'