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

+ CRL.M.C. 8447/2025

PARIKSHIT GUPTA

.....Petitioner

Through: Mr. Harsh Jain and Mr. Lakshay
Yadav, Advocates.

versus

STATE OF NCT OF DELHI & ORS.

.....Respondent

Through: Mr. Yudhvir Singh Chauhan, APP
Mr. Surender Wakode, Advocate
for R-2 to 5. SI Ritu.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **15.04.2026**

1. By way of the present petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ["BNSS"] (corresponding to Section 482 of the Code of Criminal Procedure, 1973 ("CrPC")), the petitioner seeks quashing of FIR No. 387/2024 dated 22.06.2024, registered at Police Station North Rohini, Delhi, under Sections 287/304A of the Indian Penal Code, 1860 ["IPC"], alongwith all consequential proceedings arising therefrom, on the ground of settlement between the parties.
2. The petitioner is present in Court, and is identified by his learned counsel, as well as by the Investigating Officer. The respondents are also present, and are identified by their learned counsel and the Investigating Officer.
3. The petition is taken up for disposal with the consent of learned counsel for the parties.
4. The FIR in the present case has been registered on the basis of information received from Safdarjung Hospital, Delhi. On 21.06.2024,



the victim, namely Shiv Lal, aged about 35 years, was brought to the hospital with burn injuries stated to have been sustained due to an electric flash while he was working on a high-voltage ACB circuit at a transformer, where a short circuit allegedly occurred. Upon receipt of the MLC and the aforesaid information from the hospital, the present FIR was registered under Sections 287/338 of IPC.

5. The victim subsequently succumbed to his injuries during treatment at Safdarjung Hospital on 26.06.2024, whereupon Section 304A of IPC was invoked.

6. The deceased was engaged as a contractual employee for the work being carried out at the site under the supervision of the petitioner, who was in charge of the said site. Respondent No. 2 is the wife of the deceased, respondent Nos. 3 and 4 are his minor children, and respondent No. 5 is his mother.

7. During the pendency of the present proceedings, the parties have amicably settled their disputes, which has been reduced into writing vide Settlement Agreement dated 30.11.2024. In terms of the said Settlement Agreement, the parties have agreed to fully and finally settle all claims for a total sum of Rs. 10,00,000/-. Pursuant thereto, two demand drafts of Rs. 7,50,000/- and Rs. 2,50,000/- have been issued in favour of respondent Nos. 2 and 5, and have been duly received by them towards full and final settlement of all disputes.

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

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



10. It is well settled that, notwithstanding the non-compoundable nature of offences under Sections 287 and 304A of the Indian Penal Code, 1860, the High Courts may, in exercise of their inherent jurisdiction under Section 482 of CrPC (corresponding to Section 528 of BNSS), quash criminal proceedings where the parties have voluntarily settled their disputes, provided that such exercise of power does not impinge upon any overriding public interest or the ends of justice.

11. 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 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

¹ (2012) 10 SCC 303.



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 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

² Emphasis supplied.

³ (2014) 6 SCC 466.



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 Section 304A of IPC is non-compoundable does not, by itself, constitute an absolute bar on the exercise of this Court’s inherent jurisdiction to quash criminal proceedings. This Court, in a series of decisions, has consistently clarified the circumstances in which such power may nevertheless be exercised even in cases under the said provision. In *Babu Khan and Anr. v. State and Ors.*⁵, after considering the 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

⁴ Emphasis supplied.

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



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 contention that the earlier decision in *Bhajan Lal Sharma v. State (Govt. of NCT of Delhi)*⁶ operates as a bar to adopting such a course⁷.

13. A coordinate Bench of this Court, in *Sunil Malhotra v. State (NCT of Delhi)*⁸, undertook a detailed examination of the relevant judicial precedents and held that proceedings arising out of an offence under Section 304A IPC are amenable to quashing, including in cases where a settlement has been arrived at with the legal heirs of the deceased. The Court further reiterated the settled legal position that criminal liability under Section 304A IPC is attracted only in cases of gross negligence, the assessment of which necessarily depends on the facts and circumstances of each individual case.

14. Applying the principles laid down above, the material placed on

⁶ 2019 SCC OnLine Del 4234.

⁷ *Babu Khan*, paragraph 8.

⁸ 2023 SCC OnLine Del 7365.



record, *prima facie*, indicates that the incident was accidental in nature and occurred during the course of work being carried out at the site, and does not disclose any intentional act or gross negligence on the part of the petitioner. No material has been brought to the notice of this Court which, even *prima facie*, would indicate such a degree of rashness or negligence as may meet the threshold of “*gross negligence*” so as to warrant continuation of proceedings under Section 304A IPC, notwithstanding the settlement between the parties. The respondents have further affirmed before this Court that the settlement has been arrived at voluntarily, without any coercion, undue influence, or pressure. In view of their categorical stand 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 subserve the ends of justice.

15. In view of the aforesaid discussion, the present petition is allowed. Consequently, FIR No. 387/2024 dated 22.06.2024, registered at Police Station North Rohini, Delhi, under Sections 287 and 304A of IPC, alongwith all consequential proceedings arising therefrom, is hereby quashed.

16. The parties shall remain bound by the terms of the settlement.

17. Bail bonds, if any, stand discharged.

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

PRATEEK JALAN, J

APRIL 15, 2026/SS/SD/