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

+ CRL.M.C. 9229/2025 & CRL.M.A. 38519/2025, CRL.M.A.
38520/2025

KRISHAN KUMAR

.....Petitioner

Through: Mr. Nakul Nirwan & Ms. Rishabha
Singh, Advocates.

versus

STATE OF NCT DELHI & ANR.

.....Respondents

Through: Mr. Ajay Vikram Singh, APP for
State with SI Savita, PS Prasad
Nagar.
Mr. Roshan Chand, Advocate

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **03.02.2026**

1. The. present petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (corresponding to Section 482 Code of Criminal Procedure ["CrPC"]), seeking quashing of FIR No. 294/2023 dated 03.06.2023, registered at Police Station Prasad Nagar, District Central, Delhi, under Sections 279/338 of the Indian Penal Code, 1860 ["IPC"], alongwith consequential proceedings emanating therefrom, on the ground of settlement.
2. Issue notice. Notice is accepted by Mr. Ajay Vikram Singh, learned Additional Public Prosecutor, on behalf of the State. Mr. Roshan Chand, learned counsel, accepts notice on behalf of respondent No. 2.
3. The petitioner is present in Court, and is identified by Mr. Nakul



Nirwan, learned counsel, and the Investigating Officer [“IO”]. Respondent No. 2 (injured/complainant) is also present in Court and has been identified by Mr. Chand and the IO.

4. The FIR arises out of a road traffic accident dated 02.06.2023 at about 5:30 PM near BLK-Max Hospital, Pusa Road, Delhi, wherein the vehicle bearing DL-2CBD-3416 driven by the petitioner, allegedly struck respondent No. 2 while taking a U-turn. Immediately after the incident, the petitioner took the injured to the hospital.

5. Investigation was conducted, and a chargesheet has been filed in August 2023 before the Court of Chief Metropolitan Magistrate, Tis Hazari Courts, where the matter is presently pending.

6. The injuries of the victim (respondent No. 2) have been classified in the Medico-Legal Report as “grievous”. He has suffered 35% permanent physical disability.

7. Compensation proceedings arising out of the same accident, before the Motor Accident Claims Tribunal [“MACT”], have already been concluded, and respondent No. 2 has received compensation of approximately Rs. 12,70,000/-.

8. The parties have now entered into a voluntary settlement dated 14.11.2025. In addition to the MACT compensation, the petitioner (who was a paid driver, and not the owner of the vehicle) has agreed to pay respondent No. 2 a total sum of Rs.1,00,000/- towards full and final settlement, out of which Rs. 50,000/- has already been paid. The balance Rs. 50,000/- has been handed over to respondent No. 2 in Court today.

9. Respondent No. 2 has filed an affidavit stating that he has no objection to quashing of the FIR and the consequential proceedings.



Respondent No. 2 states that he is satisfied with the settlement.

10. Learned counsel for the parties submit that the settlement has been entered into voluntarily, without force, fraud or coercion, and that continuation of the criminal proceedings would serve no useful purpose.

11. Although the offence under Section 279 of the IPC is non-compoundable, it is well settled that the High Court, in exercise of its inherent jurisdiction under Section 528 of the BNSS (corresponding to Section 482 of the CrPC), is empowered to quash criminal proceedings even in respect of non-compoundable offences, where the parties have amicably settled their dispute and where the quashing of such proceedings does not impinge upon any overriding public interest.

12. 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 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,*

¹ (2012) 10 SCC 303.



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 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.

² Emphasis supplied.

³ (2014) 6 SCC 466.



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 present case arises out of a road traffic accident. There is no allegation of any deliberate or intentional act. While the injuries suffered by respondent No. 2 were serious, it is not in dispute that he has already been compensated in the proceedings before the MACT. The parties have, thereafter, amicably resolved all their *inter se* disputes, and respondent No. 2 has categorically affirmed before this Court that the settlement has been entered into voluntarily. In view of the nature of the allegations, the subsequent settlement between the parties, and the compensation already received by the injured-respondent No.2, the likelihood of conviction is remote. Continuation of the criminal proceedings in such circumstances would, therefore, be an exercise in

⁴ Emphasis supplied.



futility, serving no useful purpose and resulting only in an unnecessary consumption of judicial time and public resources.

14. Having regard to the above discussion, the petition is allowed. FIR No. 294/2023 dated 03.06.2023 registered at Police Station Prasad Nagar, Central District, Delhi, under Sections 279/338 of the IPC, along with all consequential proceedings, is hereby quashed.

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

16. The petition, alongwith the pending applications, is accordingly disposed of.

PRATEEK JALAN, J

FEBRUARY 3, 2026

'pv/JM'/'