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

+ **CRL.M.C. 9225/2025 & CRL.M.A. 38514/2025**

MANISH SURIPetitioner

versus

STATE (GOVT. OF NCT OF DELHI) & ANR.Respondents

+ **CRL.M.C. 9253/2025 & CRL.M.A. 38630/2025**

MOHD IRFAN MIYAPetitioner

versus

STATE GOVT OF NCT OF
DELHI AND ANR & ANR.Respondents

Appearance:-

Mr. Sunny Vashist, Mr. Amit Sethi, Mr. B. Anand, Ms. Perna Sharma and Mr. Amit Yadav, Advocates in Item No. 8 & 9 alongwith petitioners in person.

Mr. Sunil Keshari, Advocate for R-2 in Item Nos. 8 & 9.

Ms. Manjeet Arya, APP for State in Item Nos. 8 & 9.

SI Rahul Garg, PS: Roop Nagar

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **06.01.2026**

1. The petitioners have filed these petitions under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ["BNSS"] (corresponding to Section 482 of the Code of Criminal Procedure, 1973) seeking quashing of FIR No. 135/2019 dated 03.09.2019, registered under Sections 288/304A of the Indian Penal Code, 1860, at Police Station Roop Nagar, on the ground of settlement.

2. The petitioner in CRL.M.C. 9225/2025 is the owner of property bearing No. 3/68 Roop Nagar, Delhi. He had engaged a contractor -



Mohd Irfan Miya, who is the petitioner in CRL.M.C. 9253/2025 for construction of his house. During the course of construction, there was a sudden landslide in the basement of the property. One of the labourers deployed by the contractor, namely Monu@Bhalu@Ramanand was trapped in the mud and debris and, unfortunately, passed away.

3. The FIR was, therefore, registered on the complaint of one Mr. Suraj, who was also working as a labourer.

4. It is stated that the petitioners have entered into a settlement with the family of the deceased on 22.09.2019. They, therefore, seek quashing of the criminal proceedings.

5. I have heard learned counsel for the parties.

6. The petitioners are present in Court and are identified by learned counsel as well as by the Investigating Officer. The original complainant is also present in Court, and mother of the deceased [respondent No. 2 in both cases] is present on video conference. They are identified by the Investigating Officer and by learned counsel for respondent No. 2.

7. The FIR concerns an allegation that the death was by negligence. Although the offence under Section 304A of IPC is non-compoundable, 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.



8. 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, 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

¹ (2012) 10 SCC 303.

² Emphasis supplied.

³ (2014) 6 SCC 466 [hereinafter, “*Narinder Singh*”].



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 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

9. Several judgments of this Court consider the circumstances in which such a course can be adopted in the context of offences under Section 304A IPC.

10. In *Babu Khan and Another v. State and Others*⁵, this Court *inter alia* referred to the aforesaid judgments of the Supreme Court, and observed as follows:

“14. In view of the above, it would be necessary for this Court to briefly examine the nature of the allegation and the factual context in which the same has been made, in order to determine whether the ends of justice would be served in quashing the FIR.

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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 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’...”

⁴ Emphasis supplied.

⁵ 2019 SCC OnLine Del 10007.



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.

22. It is clear that the deceased and other persons were involved in the manual labour of carrying the iron sheets. There does not appear to be much material to establish that the contractor was carrying on work in a dangerous manner. The accident had occurred in the course of the work being performed by the deceased and other workers. This Court is of the view that given the account rendered by the persons, it is improbable to secure a conviction. Thus, this Court is of the view that the ends of justice would be served in ensuring that the petitioners pay the compensation and the FIR be quashed.”

11. The Court specifically rejected the submission that an earlier judgment in *Bhajan Lal Sharma v. State (Govt. of NCT of Delhi)*⁶ prohibits such a course.

12. The judgment of a coordinate Bench in *Sunil Malhotra v. State (NCT of Delhi)*⁷ examined and analysed several decisions of this Court dealing with the same issue. The Court held that proceedings arising from an offence under Section 304A IPC are amenable to quashing, including on account of a settlement with the legal heirs of the deceased. The Court further reiterated the settled legal position that criminal liability for negligence under Section 304A IPC arises only where the act of negligence is gross, which is dependent upon the facts and circumstances of each case. Applying these principles to the facts before it, the Court quashed the FIR and all consequential proceedings.

13. In view of the aforesaid legal position, there is no absolute bar to the quashing of criminal proceedings arising out of an offence under

⁶ 2019 SCC OnLine Del 4234.



Section 304A IPC. However, before exercising such jurisdiction, the Court examines whether the allegations disclose a case of gross negligence, having regard to the specific facts and circumstances of the case.

14. In the present case, although there is a general allegation in the FIR that no safety equipment was provided by the accused to the labourers, the complainant himself has filed affidavit dated 18.11.2025, stating to the contrary, describing the incident as an accident, and asserting that it was attributable to no one's fault, and that adequate safety arrangements had been put in place. The settlement also records the statement of the mother of the deceased, to the same effect. This position has been reiterated in her no-objection affidavit dated 20.11.2025.

15. Further, the facts narrated point to mud having slipped into the basement during the period of construction. Such an incident is not directly suggestive of gross negligence by the accused.

16. In such circumstances, having regard to the fact that the incident is stated to be accidental, and that the respondent No. 2 has categorically affirmed the voluntary nature of the settlement before the Court, it would be improbable to secure a conviction, and no useful purpose would be served in continuing with the proceedings arising out of the impugned FIR.

17. For these reasons, I am of the view that the FIR in the present case, is liable to be quashed in exercise of the Court's inherent jurisdiction.

18. A settlement has been entered into, under which a sum of Rs.

⁷ 2023 SCC OnLine Del 7365.



8,00,000/- was paid to the mother of the deceased [respondent No.2 herein]. She has also filed an affidavit dated 20.11.2025 stating that she has received the aforesaid sum, and that she has no objection to the criminal proceedings being closed.

19. As far as quantum of compensation is concerned, Mr. Sunny Vashist, learned counsel for the petitioners, states that the petitioners voluntarily undertake to pay additional compensation of Rs. 3,00,000/- to respondent No. 2, of which Rs. 2,00,000/- will be paid by the petitioner in CRL.M.C. 9225/2025 and Rs. 1,00,000/- will be paid by the petitioner in CRL.M.C. 9253/2025. The said undertaking is taken on record.

20. Subject to the above undertaking, the petitions are allowed, and criminal proceedings emanating from FIR No. 135/2019 are quashed.

21. The parties will file a compliance affidavit within four weeks from today.

22. The petitions, alongwith the pending applications, are disposed of.

23. List before the learned Registrar on 13.02.2026, for compliance.

PRATEEK JALAN, J

JANUARY 6, 2026
SS/AD/