



2026:DHC:8995



\$~69

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% **Date of Decision: 06th October, 2026**# **CNR No. DLHC010480332026**+ **CRL.M.C. 7465/2026 & CRL.M.A. 31259/2026****SUDHIR KANT SETH**

.....Petitioner

Through: Mr. Dhruv Sharma, Ms. Twinkle
Sharma and Mr. Sahil Sharma, Advs.
Mob: 9318395318
Email: dhruvsh66@gmail.com

versus

STATE OF NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Ajay Vikram Singh, APP for the
State
Mr. Ravinder Kumar, Adv. for R-
2/Complainant, along with R-
2/complainant in person
Mob: 9810683825
Mr. Avinash Kumar, SI, PS Anand
Vihar and Mr. Ravinder Singh, ASI,
PCR Unit

CORAM:**HON'BLE MS. JUSTICE MINI PUSHKARNA****MINI PUSHKARNA, J. (Oral):**

1. The present petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ("BNSS")/Section 482 of the Code of Criminal Procedure, 1973 ("CrPC"), seeking quashing of the First Information Report ("FIR") being *FIR No. 0442/2022*, dated 13th September, 2022, registered at Police Station ("PS") Anand Vihar, Shahdara, Delhi, under Sections 304A/287 of the Indian Penal Code, 1860 ("IPC"), and all



consequential proceedings emanating therefrom, on the ground of settlement between the parties.

2. Issue Notice.

3. Notice is accepted by the learned Additional Public Prosecutor (“APP”) for the State as well as by learned counsel appearing for respondent no. 2.

4. The parties, i.e., the petitioners as well as respondent no. 2, are present before this Court, and are duly identified by their respective counsels as well as the Investigating Officer (“IO”), who is also present before this Court.

5. The captioned petition is taken up for disposal with the consent of the parties.

6. The relevant facts for the adjudication of the captioned petition, culled out from the documents on record, are as follows:

6.1. The FIR in question came to be registered pursuant to receipt of telephonic information *vide DD Entry No. 97A* dated 12th September, 2022, whereby, it was stated that Sh. Lalit was brought to the Dr. Hedgewar Arogya Sansthan Hospital, Karkardooma, Delhi, in an unconscious condition by a police official. Subsequently, Sh. Lalit was declared ‘brought dead *vide MLC 1785/2022*, whereby, the cause of death was recorded by the concerned doctor as “electric shock”.

6.2. Upon investigation, it was found that at the place of the incident, i.e., Road No. 72, near Radha Krishna Dhabha, Hargovind Enclave, Anand Vihar, Delhi, an iron pole in the middle of the road had live current flowing through it. Subsequently, upon recording of statement of witness, it was found that the deceased victim got electrocuted by the said iron pole, while he was crossing the road at the site of the incident.

6.3. During the course of investigation, it was discovered that the Public



Works Department (“PWD”) had jurisdiction over the site of the incident in question. Subsequently, it came to the fore that a contract for the maintenance and upkeep of the said pole was given to M/s Shaka Electrical (India), which is owned by the petitioner herein.

6.4. Subsequently, a Chargesheet dated 05th April, 2024 came to be filed by the Police before the Trial Court, under Sections 387/304A of the IPC, *inter-alia*, against the petitioner.

6.5. During the pendency of proceedings, the parties resolved all their disputes *vide* Memorandum of Understanding (“MoU”) dated 14th July, 2026.

6.6. By way of the said MOU, the petitioner has agreed to pay respondent no. 2, i.e., the wife of the deceased, a total sum of Rs. 10 Lacs, as full and final settlement of all claims. Furthermore, the parties agreed to cooperate in quashing of the FIR in question.

7. Learned counsels for the parties jointly submit that the FIR in question be quashed as they have already entered into the MOU dated 14th July, 2026.

8. Respondent no. 2, who is present in Court, submits that she has entered into the said MOU with the petitioner and does not wish to pursue the present case any further. She further submits that she has received the compensation to the tune of Rs. 10 Lacs from the petitioner in that regard.

9. In light of the aforesaid, the parties seek the quashing of the FIR in question.

10. Learned APP for the State submits that he has no objection if the present petition is allowed.

11. Having heard the learned counsels appearing for the parties, this Court notes that the present matter has been finally settled between the parties.

12. It is no longer *res-integra* that this Court has the power to quash the



criminal proceedings in cases of non-compoundable offences under the CrPC, i.e., now the BNSS, wherein, the parties have settled the matter between themselves.

13. The Supreme Court has held that under Section 528 of the BNSS, High Courts may quash criminal proceedings, even with respect to non-compoundable offences, if the concerned parties have arrived at a compromise or settlement, and particularly when no overarching public interest is adversely affected by quashing the same.

14. This Court in the decision in the case of *Sunil Malhotra and Another Versus State (NCT of Delhi) and Another, 2023 SCC OnLine Del 7365*, undertook an analysis of a catena of decisions *qua* quashing of the FIRs registered under Section 304A of the IPC, to hold that there is no bar on the inherent powers of this Court to quash such FIRs. The relevant excerpts of the said decision are as follows:

“xxx xxx xxx

11. It is settled principle of law that in cases of non-compoundable offences where the parties have arrived at a settlement, the High Court has inherent power to quash a criminal proceeding in exercise of powers under Section 482 of the CrPC as well as Article 226 of the Constitution of India. Time and again, it has been reiterated that the inherent powers of the High Court are of a wide plenitude, but in exercise of such powers, the guiding factor has to be - (i) to secure the ends of justice, or (ii) to prevent the abuse of process of any Court. It is also well settled that before proceeding to quash an FIR, the High Court must duly consider the nature and gravity of an offence.

12. After examining the various cases decided by coordinate benches of this Court cited hereinabove and scope of powers under Section 482 of the CrPC, this Court is of the considered opinion that there is no bar to quash an FIR under Section 304A of the IPC in exercise of inherent powers under



Section 482 of the CrPC. At this stage, it is also pertinent to observe that Section 320 of the CrPC, which provides for compounding of the offences through legal heirs. Section 320(4) provides as under:

“320. Compounding of offences.—

*** **

(4) (a) When the person who would otherwise be competent to compound an offence under this section is under the age of eighteen years or is an idiot or a lunatic, any person competent to contract on his behalf may, with the permission of the Court, compound such offence.

(b) When the person who would otherwise be competent to compound an offence under this section is dead, the legal representative, as defined in the Civil Procedure Code, 1908 (5 of 1908) of such person may, with the consent of the Court, compound such offence.”

(emphasis supplied)

13. Since the scheme of CrPC permits compounding through legal heirs in respect of offences ‘compoundable’ in terms of Section 320 of the CrPC, the extraordinary and inherent powers under Article 226 of the Constitution of India or Section 482 of the CrPC can be invoked to quash FIRs through legal heirs in cases of non-compoundable cases as well. It would also be significant to note that exercise of such powers may also be justifiable, in a given case, where legal heirs of the deceased, who were otherwise dependent on an income of the latter, would be benefitted on account of monetary compensation or other benefits in terms of the compromise. However, it has also been reiterated that such powers have to be exercised sparingly and with caution. In *State of Madhya Pradesh v. Laxmi Narayan*, (2019) 5 SCC 688, it has been held as under:

“15. Considering the law on the point and the other decisions of this Court on the point, referred to hereinabove, it is observed and held as under:

*** **

15.2. Such power is not to be exercised in those prosecutions which involved 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; *** ***

15.5. While exercising the power under Section 482 of the Code to quash the criminal proceedings in respect of non-compoundable offences, which are private in nature and do not have a serious impact on society, on the ground that there is a settlement/compromise between the victim and the offender, the High Court is required to consider the antecedents of the accused; the conduct of the accused, namely, whether the accused was absconding and why he was absconding, how he had managed with the complainant to enter into a compromise, etc.”

14. Therefore, before arriving at a finding in that regard, this Court deems it expedient to examine Section 304A of the IPC and the interpretation accorded to it.

Rash and Negligent Act

15. Section 304A of the IPC finds mention in Chapter XVI of the IPC under the heading ‘of offences affecting the human body’. The provision provides for a situation where death of a person has been caused by an act that is ‘rash’ or ‘negligent’. It is in the nature of an exception to ‘culpable homicide’ as defined in Section 299 of the IPC. Therefore, the issue is what constitutes culpable rashness or negligence?

15.1. Culpable rashness is doing or omitting to do something, with the knowledge or consciousness that such wanton act or omission can lead to illegal consequences. Culpability, in a case of rashness, lies in acting with consciousness and doing so with indifference as to the consequences of such act.

15.2. Culpable negligence, on the other hand, constitutes a breach of duty to do something which an ordinary reasonable man, in those circumstances would have done. Criminality in case of negligence arises when there is no consciousness as to the consequences which may follow but circumstances are such that shows it was incumbent upon the actor to take certain precautions. It is further settled law that for a negligent act to give rise to a criminal liability, the negligence ought to be ‘gross’, which is a standard to be decided on the basis of facts and circumstances of each case.



xxx xxx xxx

29. However, shorn of its doctrinaire features, understood in the broad, general sense, as by the other line of decisions, only as a convenient ratiocinative aid in assessment of evidence, in drawing permissive inferences under Section 114 of the Evidence Act, from the circumstances of the particular case, including the constituent circumstances of the accident, established in evidence, with a view to come to a conclusion at the time of judgment, whether or not, in favour of the alleged negligence (among other ingredients of the offence with which the accused stands charged), such a high degree of probability, as distinguished from a mere possibility has been established which will convince reasonable men with regard to the existence of that fact beyond reason able doubt. Such harnessed, functional use of the maxim will not conflict with the provisions and the principles of the Evidence Act relating to the burden of proof and other cognate matters peculiar to criminal jurisprudence.

30. Such simplified and pragmatic application of the notion of res ipsa loquitur, as a part of the general mode of inferring a fact in issue from another circumstantial fact, is subject to all the principles, the satisfaction of which is essential before an accused can be convicted on the basis of circumstantial evidence alone. These are : Firstly, all the circumstances, including the objective circumstances constituting the accident, from which the inference of guilt is to be drawn, must be firmly established. Secondly, those circumstances must be of a determinative tendency pointing unerringly towards the guilt of the accused. Thirdly, the circumstances shown make a chain so complete that they cannot reasonably raise any other hypothesis save that of the accused's guilt. That is to say, they should be incompatible with his innocence, and inferentially exclude all reasonable doubt about his guilt."

xxx xxx xxx"

(Emphasis Supplied)

15. Accordingly, considering the submissions made before this Court, *FIR No. 0442/2022*, dated 13th September, 2022, registered at PS Anand Vihar, Shahdara, Delhi, under Sections 304A/287 of the IPC, and the proceedings



2026:DHC:8995



emanating therefrom, are hereby quashed.

16. The captioned petition, along with the pending application, is accordingly disposed of.

MINI PUSHKARNA, J

OCTOBER 6, 2026/SK