



\$~48

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

% ***Date of Decision: 29th January, 2026***

+ CRL.M.C. 735/2026

ASHIMA MALIK & ANR.Petitioner

Through: Mr. Kartikeya Rastogi and Ms. Tamanna Kavdia, Advocates along with petitioners-in-person

versus

STATE NCT OF DELHI & ANR.Respondent

Through: Mr. Satinder Sing Bawa, APP with SI Rahul Kumar, PS Saket
Mr. Naveen Bansal, Advocate for R-2 along with R-2-in-person (Through VC)

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. The present petition seeks quashing of FIR No. 483/2023, registered at Police Station Saket, Delhi for commission of offences under Sections 279/337/304-A IPC, along with all consequential proceedings emanating therefrom, on the basis of compromise arrived at between the parties.
2. Accident in question had taken place on 21.11.2023.
3. On that day, a car was being driven by petitioner no. 2 and petitioner no. 1 was sitting in the rear. When they reached near SBI Bank, the car came to halt and when petitioner no. 1 opened the rear right side door, a motorcycle, which was coming from behind, got struck, which resulted in accident in



question. In the aforesaid accident, respondent no. 2, who was driving the motorcycle, received simple injuries whereas his mother, who was on the pillion seat, succumbed to her injuries which resulted in registration of aforesaid FIR.

4. Charges have already been framed and the matter is now at the stage of prosecution evidence.

5. It is informed that parties have entered into amicable settlement with the objective to put quietus to all their disputes, not only with respect to the aforesaid criminal case but also with respect to matters filed before learned Motor Accident Claim Tribunal.

6. *Memorandum of Understanding* (MoU) dated 17.01.2026 is on record. Since mother of respondent no. 2 had left behind two legal representatives, MoU is signed by both of them i.e. Gulfam and Sultan.

7. As far as Sultan is concerned, he has joined the proceedings through *videoconferencing* and reiterates the terms of settlement.

8. The power of the Court under Section 528 BNSS (corresponding Section 482 Cr.P.C.) extends to quashing offences which are non-compoundable on grounds of settlement between victim/complainant and accused/offender. Fact, however, remains that such power is to be exercised with caution. Reference be made to *Narinder Singh & Ors. vs. State of Punjab & Anr.*, (2014) 6 SCC 466, wherein the Apex Court had observed that proceedings, even in non-compoundable cases, can be quashed on the basis of settlement provided that the Court is satisfied that there was no meaningful purpose in continuing with the proceedings, and that the scope of conviction was remote and bleak.

9. Total settlement amount is Rs. 3.50 lacs and out of aforesaid settled



amount, a sum of Rs. 1.75 lacs has already been paid through online banking and such amount has been duly credited in the account of Sultan and the balance amount of Rs. 1.75 lacs has been brought by way of demand draft bearing no. 020930 dated 19.01.2026 in the name of Sultan drawn on HDFC Bank which has been accepted by Gulfam, who is present in Court today on behalf of his brother Sultan.

10. Both LR's of deceased Mumtaz have, during the course of the proceedings today, also reiterated the terms of settlement and submit that in view of the aforesaid settlement and compensation amount offered to them, they are no longer interested in pursuing with the aforesaid criminal case and would have no objection if FIR in question is quashed.

11. Learned counsel for petitioners has relied upon *Jaspriya Bhasin v. State*, (2022) SCC OnLine Del 2345, *Abdul Subhan v. State*, (2006) SCC OnLine Del 1132, *Raj Kumar v. State* in CRL. REV.P. 402/2006 and *Ram Chander v. State* in CRL. REV.P. 686/2017, *Ajay Agarwal v. State of NCT of Delhi* in CRL MC No. 2899 / 2018 and *Babu Khan & Anr. v. State & Ors.*, (2019) SCC OnLine Del 10007 wherein also in the similar circumstances, when the FIR had been registered for offence under Section 304-A IPC, the FIR was quashed on the basis of settlement between the offender and victim.

12. Investigating Officer is present in Court and identifies the respondents and petitioners.

13. Mr. Naveen Bansal, learned counsel for LR's of deceased Mumtaz has joined the proceedings through *videoconferencing* and he also identifies both such LR's. He submits that he is representing them even before the learned Trial Court and he undertakes to file his *vakalatnama* during the course of the day.



14. In view of the settlement arrived at between the parties, continuing with criminal proceedings would serve no useful purpose, especially, when the dispute does not involve any public interest and is private in nature.

15. Accordingly, exercising inherent powers vested in this Court under Section 528 of the BNSS, it is deemed appropriate to quash the instant FIR.

16. Consequently, to secure the ends of justice, FIR No. 483/2023, registered at Police Station Saket, Delhi for commission of offences under Sections 279/337/304-A IPC, along with all consequential proceedings emanating therefrom, is hereby, quashed.

17. The petition stands disposed of in aforesaid terms.

(MANOJ JAIN)
JUDGE

JANUARY 29, 2026/dr/pb