

Ajay Agarwal vs State Of Nct Of Delhi & Anr on 16 May, 2023

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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CRL.M.C. 2899/2018 &CRL.M.A. 10267/2018
AJAY AGARWAL

Through: Mr. Chinmoy Pra
Adv. with Mr. S
Mr. Irfan Hasie
Deka, Mr. Risha
Vandana, Advs.

versus

STATE OF NCT OF DELHI & ANR.

Through: Mr. Ritesh Kumar
State with SI Ka

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

OR

% 16.05.2023

1. This petition had been filed for quashing of FIR No.693/2014 registered at PS Bawana on 31st August, 2014 under Sections 336/304A IPC. The complainant was one Jai Prakash who was a colleague of the deceased Ram Sanehi who was working in a factory M/s. Nipco Polymers Private Limited owned by the petitioner at Bawana, Delhi. The deceased was electrocuted by an earthing wire while working in the factory on 31st August, 2014. A settlement was arrived at between respondent No.2 (the deceased's son) and the petitioner, immediately thereafter on 24th September, 2014. It was stated in the presence of the Village Pradhan and other elders of the village that the death was caused due to an accident and neither the petitioner nor any other person was responsible for the death of the deceased.

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2. As per the settlement, respondent No.2 agreed to receive a sum of Rs.2,75,000/- as compensation which was deposited in the form of a fixed deposit on 25th September, 2014. However, charge-sheet was filed and charges were framed.

3. Ld. Senior Counsel for the petitioner states that the incident occurred on 31st August, 2014 and the settlement was arrived at soon thereafter. The full settlement amount of Rs.2.75 lacs was also paid to the sole legal heir/respondent No.2 (Mr. Arjun Kumar). The petitioner and respondent No.2 are present in Court and duly identified by the counsel and the IO. Respondent No.2 who is the complainant and legal heir of the deceased is present through VC and has already filed an affidavit on 21st September, 2019 which is on record of this Court, having no objection to the quashing of the

FIR.

4. The Ld. Senior Counsel for the petitioner states that due to the passage of time and to express their further bona fides, the petitioner is providing a further amount of Rs.1 lac via transfer to respondent No.2 who is present in Court and duly acknowledges the same. The respondent No.2 states that he has no objection to the quashing of the FIR in view of the satisfactory settlement of these grievances by the petitioner and has no desire to proceed ahead with the proceedings of this FIR.

5. The matter was placed before this Court, along with other connected matters (that have now been bifurcated and de-tagged), and the issue was whether an FIR registered under Section 304A IPC could be quashed or not on the basis of mutual settlement. Aside from the facts of this individual matter, which has been adverted to above, the issue as regards quashing on This is a digitally signed order.

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6. Addressing the Court on this issue, Learned Senior Counsel for the petitioner has relied upon the following decisions:

- (i) State of Karnataka v. Muniswami, (1977) 2 SCC 699;
- (ii) Ahmad Ali Quraishi &Anr. v. State of U.P. &Anr., (2020) 13 SCC 435;
- (iii) Gian Singh v. State of Punjab &Anr., (2012) 10 SCC 303;
- (iv) Narinder Singh &Ors. v. State of Punjab &Anr., (2014) 6 SCC 466;
- (v) Babu Khan &Anr. v. State &Ors., (2019) SCC OnLine Del 10007;
- (vi) Jaspriya Bhasin v. State (NCT of Delhi) &Ors, (2022) SCC OnLine Del 2345;
- (vii) Sawhney Buildwell LLP v. State (NCT of Delhi) &Ors., (2022) SCC OnLine Del 3187;
- (viii) Kamal Kishore v. State (NCT of Delhi) &Ors., (2020) SCC OnLine Del 438;
- (ix) Taranjeet Singh &Ors. v. State (Govt. Of NCT of Delhi) &Ors., (2020) SCC OnLine Del 2533;
- (x) Punit Sikka &Anr. v. State (NCT of Delhi) &Ors., (2019) SCC OnLine Del 7331;

- (xi) Chandan Singh v. The State &Anr., (2016) SCC OnLine Del 5780;
- (xii) Mahender Singh v. State (GNCT of Delhi) &Ors., (2016) SCC OnLine Del 732;
- (xiii) Anil Kumar Sharma v. Om Prakash &Ors., (2015) SCC OnLine Del 9721;
- (xiv) Mahesh Batra &Ors. v. State of NCT of Delhi, (2015) SCC OnLine Del 7306;
- (xv) Manjoor Ahmed v. State &Ors., (2015) SCC OnLine Del 8447; (xvi) Pradeep Kumar v. State &Ors., (2015) SCC OnLine Del 10453;
- (xvii) Sharwan Kumar Goel v. State (Govt. Of NCT of Delhi) &Ors., (2015) SCC OnLine Del 8293;

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The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 24/09/2023 at 09:28:20 (xviii) Vinod Kumar &Anr. v. State &Ors., (2015) SCC OnLine Del 10336;

(xix) Yogesh Sethi v. Govt. of NCT of Delhi &Anr., (2015) SCC OnLine Del 7698;

(xx) P. Senthamil Selvan v. The State &Anr., (2014) SCC OnLine Del 451.

7. Essentially, decisions listed from Sl. No.1 to 4 were cited for the basic principles relating to the exercise of inherent powers of Courts under Section 482 Cr.P.C. for quashing of such FIRs. Decisions listed from Sl. No.5 to 20 were cited being orders passed by various Benches of this Court that quashed such FIRs registered under Section 304A IPC. First, the overview of the general principles:

8. In this regard it would be useful to extract the following relevant portions of the aforementioned decisions by the Hon'ble Supreme Court in order to appreciate the judicial opinion:

(i) State of Karnataka v. Muniswami, (1977) 2 SCC 699:

"7. In the exercise of this wholesome power, the High Court is entitled to quash a proceeding if it comes to the conclusion that allowing the proceeding to continue would be an abuse of the process of the Court or that the ends of justice require that the proceeding ought to be quashed. The saving of the High Court's inherent powers, both in civil and criminal matters, is designed to achieve a salutary public purpose which is that a court proceeding ought not to be permitted to degenerate into a weapon of harassment or persecution. In a criminal case, the veiled object behind a lame prosecution, the very nature of the material on which the structure of the prosecution rests and the like would justify the High Court in quashing the

proceeding in the interest of justice. The ends of justice are higher than the ends of mere law though justice has got to be administered according to laws made by the legislature. The compelling necessity for making these observations is This is a digitally signed order.

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(emphasis supplied)

(ii) Ahmad Ali Quraishi &Anr. v. State of U.P. &Anr., (2020) 13 SCC 435:

"13. A three-Judge Bench in State of Karnataka v. M. Devendrappa [State of Karnataka v. M. Devendrappa, (2002) 3 SCC 89 : 2002 SCC (Cri) 539] , had the occasion to consider the ambit of Section 482 CrPC. By analyzing the scope of Section 482 CrPC, this Court laid down that authority of the court exists for advancement of justice and if any attempt is made to abuse that authority so as to produce injustice, the court has power to prevent abuse. It further held that court would be justified to quash any proceeding if it finds that initiation/continuance of it amounts to abuse of the process of court or quashing of these proceedings would otherwise serve the ends of justice.

The following was laid down in para 6 : (SCC p. 94) "6. ... All courts, whether civil or criminal possess, in the absence of any express provision, as inherent in their constitution, all such powers as are necessary to do the right and to undo a wrong in course of administration of justice on the principle *quando lex aliquid dedit, concedere videtur et id sine quo res ipsa esse non potest* (when the law gives a person anything it gives him that without which it cannot exist). While exercising powers under the section, the court does not function as a court of appeal or revision. Inherent jurisdiction under the section though wide has to be exercised sparingly, carefully and with caution and only when such exercise is justified by the tests specifically laid down in the section itself. It is to be exercised *ex debito justitiae* to do real and substantial justice for the administration of which alone courts exist. Authority of the court exists for This is a digitally signed order.

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justice. When no offence is disclosed by the complaint, the court may examine the question of fact. When a complaint is sought to be quashed, it is permissible to look into the materials to assess what the complainant has alleged and whether any offence is made out even if the allegations are accepted in toto."

(emphasis supplied)

(iii) *Gian Singh v. State of Punjab &Anr.*, (2012) 10 SCC 303:

"57. Quashing of offence or criminal proceedings on the ground of settlement between an offender and victim is not the same thing as compounding of offence. They are different and not interchangeable. Strictly speaking, the power of compounding of offences given to a court under Section 320 is materially different from the quashing of criminal proceedings by the High Court in exercise of its inherent jurisdiction. In compounding of offences, power of a criminal court is circumscribed by the provisions contained in Section 320 and the court is guided solely and squarely thereby while, on the other hand, the formation of opinion by the High Court for quashing a criminal offence or criminal proceeding or criminal complaint is guided by the material on record as to whether the ends of justice would justify such exercise of power although the ultimate consequence may be acquittal or dismissal of indictment.

61. The position that emerges from the above discussion can be summarized thus: the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different This is a digitally signed order.

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provide for any basis for quashing criminal proceedings involving such offences. But the criminal cases having overwhelmingly and predominatingly civil flavour stand on a different footing for the purposes of quashing, particularly the offences arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry, etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In this category of cases, the High Court may quash the criminal proceedings if in its view, because of the compromise between the offender and the victim, the possibility of conviction is remote and bleak and continuation of the criminal case would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the This is a digitally signed order.

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(emphasis supplied)

(iv) *Narinder Singh & Ors. v. State of Punjab & Anr.* (2014) 6 SCC 466:

"27. At this juncture, we would also like to add that the timing of settlement would also play a crucial role. If the settlement is arrived at immediately after the alleged commission of the offence when the matter is still under investigation, the High Court may be somewhat liberal in accepting the settlement and quashing the proceedings/investigation. Of course, it would be after looking into the attendant circumstances as narrated in the previous paragraph. Likewise, when challan is submitted but the charge has not been framed, the High Court may exercise its discretionary jurisdiction. However, at this stage, as mentioned above, since the report of the IO under Section 173 CrPC is also placed before the Court it would become the bounden duty of the Court to go into the said report and the evidence collected, particularly the medical evidence relating to injury, etc. sustained by the victim. This aspect, however, would be examined along with another important consideration, namely, in view of settlement between the parties, whether it would be unfair or contrary to interest of justice to continue with the criminal proceedings and whether possibility of conviction is remote and bleak. If the Court finds the answer to this question in affirmative, then also such a case would be a fit case for the This is a

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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.

29.7. While deciding whether to exercise its power under Section 482 of the Code or not, timings of settlement play a crucial role. Those cases where the settlement is arrived at immediately after the alleged commission of offence and the matter is still under investigation, the High Court may be liberal in accepting the settlement to quash the criminal proceedings/investigation. It is because of the reason that at this stage the investigation is still on and even the charge-

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of the evidence the matter is at the stage of argument, normally the High Court should refrain from exercising its power under Section 482 of the Code, as in such cases the trial court would be in a position to decide the case finally on merits and to come to a conclusion as to whether the offence under Section 307 IPC is committed or not. Similarly, in those cases where the conviction is already recorded by the trial court and the matter is at the appellate stage before the High Court, mere compromise between the parties would not be a ground to accept the same resulting in acquittal of the offender who has already been convicted by the trial court. Here charge is proved under Section 307 IPC and conviction is already recorded of a heinous crime and, therefore, there is no question of sparing a convict found guilty of such a crime.

(emphasis supplied)

9. The Ld. APP has relied on the following judgments, in response:

(i) Manish Jalan vs. State of Karnataka, (2008) 8 SCC 225:

"14. However, in awarding compensation, it is necessary for the court to decide if the case is a fit one in which compensation deserves to be awarded. If the court is convinced that compensation should be paid, then the quantum of compensation is to be determined by taking into consideration the nature of the crime, the injury suffered and the capacity of the convict to pay compensation, etc. It goes without saying that the amount of compensation has to be reasonable, which the person concerned is able to pay. If the accused is not in a position to pay the compensation to the injured or his dependents to which they are held to be entitled to, there could be no reason for the court to direct This is a digitally signed order.

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(emphasis supplied)

(ii) Bhajan Lal vs. State (Govt of NCT of Delhi), 2016 SCC OnLine Del 4234:

"29. The State cannot be accused of discrimination merely because the State may chose to give its consent to quashing of the FIR in one case, and may not do so in another case, though the two cases may allege commission of offence under the same legal provision, as no two cases are comparable on facts. It would have to be decided on the facts of each case by the State, whether or not to consent to the quashing of the criminal proceedings on consent. Even if it were to be assumed that the State was remiss in consenting to quashing of FIR in any other case, the same would not afford a ground to raise a plea of discrimination and claim similar treatment by a petitioner/accused in another case. Each case would have to be examined by the

Court on its own merits, and the Court is not bound to quash the FIR and the proceedings arising therefrom, even if it has done so in other cases involving the same offences on consent by the State. The Court is also not dependent for its decision to quash the FIR and the proceedings arising therefrom, on the consent being granted by the State. In appropriate case, the State may not grant its consent, yet the Court may-for reasons to be recorded, and upon considerations which are germane and have been taken note of in Gian Singh (supra) and Narinder Singh (supra), quash the FIR and the proceedings arising therefrom.

32. In my view, quashing the FIR in question at this stage would certainly send a very wrong signal not only to the petitioner, but the whole society at large and particularly to other builders, contractors and other agencies engaged in undertaking construction work, that even if they are grossly negligent in taking preventive measures so as to prevent predictable accidents-which may lead to serious injury and even loss of life, they could get away by paying some This is a digitally signed order.

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33. As observed by the Supreme Court in Sheonandan Paswan(supra), criminal proceedings are not a proceeding for vindication of private grievance. They are initiated for the punishment of the offender in the interest of the society. It is for maintaining stability and orderliness in the society that certain acts are constituted offences and the right given to any citizen to set the machinery of criminal law into motion for the purpose of bringing the offender to book."

(emphasis supplied) Second, the decisions of this Court:

10. Regarding decisions of this Court in cases involving quashing of FIRs for offences under s. 304AIPC, some illustrative orders have been placed by the Ld. Sr. Counsel for the petitioner as listed above in para 5. Reliance in these decisions have also been placed on the principles enshrined in Gian Singh (supra) and Narender Singh (supra) amongst other judgments cited in support of quashing the FIR on the basis of settlement arrived at between the parties. Two of the more significant judgments cited by Ld. Sr. Counsel for the petitioner are as follows:

(i) Babu Khan &Anr. v. State &Ors., (2019) SCC OnLine Del 10007:

"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 This is a digitally signed order.

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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'..."

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."

(emphasis supplied)

(ii) Jaspriya Bhasin v. State (NCT of Delhi) &Ors, (2022) SCC OnLine Del 2345:

"8. Before proceeding further, it is deemed expedient to recapitulate the scope of powers of this Court under Section 482 Cr.P.C., as repeatedly expounded by the Supreme Court, including in State of Haryana v. Bhajan Lal reported as 1992 Supp (1) SCC 335, where the parameters for This is a digitally signed order.

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'102. In the backdrop of the interpretation of the various relevant provisions of the Code under Chapter XIV and of the principles of law enunciated by this Court in a series of decisions relating to the exercise of the extraordinary power under Article 226 or the inherent powers under Section 482 of the Code which we have extracted and reproduced above, we give the following categories of cases by way of illustration wherein such power could be exercised either to prevent abuse of the process of any court or otherwise to secure the ends of justice, though it may not be possible to lay down any precise, clearly defined and sufficiently channelised and inflexible guidelines or rigid formulae and to give an exhaustive list of myriad kinds of cases wherein such power should be exercised.

(1) Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.

(2) Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.

(3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.

(4) Where, the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer This is a digitally signed order.

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(5) Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.

(6) Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party.

(7) Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge".

19. In Rathnashalvan (Supra), the Supreme Court has elaborated on the law surrounding cases of rash and negligent acts and distinguished between 'rashness' and 'negligence' in the following terms:--

"7. Section 304-A applies to cases where there is no intention to cause death and no knowledge that the act done in all probability will cause death. The provision is directed at offences outside the range of Sections 299 and 300 IPC. The provision applies only to such acts which are rash and negligent and are directly cause of death of another person. Negligence and rashness are essential elements under Section 304-A. Culpable negligence lies in the failure to exercise reasonable and proper care and the extent of its reasonableness will always depend upon the circumstances of each case. Rashness means doing an act with the consciousness of a risk that evil This is a digitally signed order.

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8. As noted above, "rashness" consists in hazarding a dangerous or wanton act with the knowledge that it is so, and that it may cause injury. The criminality lies in such a case in running the risk of doing such an act with recklessness or indifference as to the consequences. Criminal negligence on the other hand, is the gross and culpable neglect or failure to exercise that reasonable and proper care and precaution to guard against injury either to the public generally or to an individual in particular, which, having regard to all the circumstances out of which the charge has arisen it was the imperative duty of the accused person to have adopted.

9. The distinction has been very aptly pointed out by Holloway J. in these words:

"Culpable rashness is acting with the consciousness that the mischievous and illegal consequences may follow, but with the hope that they will not, and often with the belief that the actor has taken sufficient precautions to prevent their happening. The immutability arises from acting despite the consciousness (luxuria). Culpable negligence is acting without the consciousness that the illegal and mischievous effect will follow, but in circumstances This is a digitally signed order.

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20.)"

(emphasis supplied)

11. On an assessment of the aforementioned decisions and having heard the Ld. Senior Counsel as also the Ld. APP, in the considered opinion of this Court, whenever a court is approached with a petition for quashing of an FIR registered for offence u/s 304A, IPC, it may not reject the petition at the very threshold, merely because the said offence is not predominantly of civil character or private in nature. Instead they be assessed and weighed on the anvil of following principles or tenets that can be safely culled out from the decisions cited above. These have been extracted from the said decisions, to avoid repetitive exposition and headings have been given merely for the purposes of convenient reading:

(a) Special power of the High Court: Quashing of offence or criminal proceedings on the ground of settlement between an offender and victim is not the same thing as compounding of offence;

(b) Abuse of process/ends of justice: The High Court is entitled to quash a proceeding if it comes to the conclusion that allowing the proceeding to continue would be an abuse of the process of the Court or that the ends of justice require that the proceeding ought to be quashed. The ends of justice are higher than the ends of mere law, and sometimes it is prudent and wise to put a quietus to a matter;

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(c) Conviction remote and bleak: The High Court may quash the criminal proceedings if in its view, because of the compromise between the offender and the victim, the possibility of conviction is remote and bleak and continuation of the criminal case would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim. The proceeding against the accused ought not to be permitted to degenerate into a weapon of harassment or persecution;

(d) Care and caution: Inherent jurisdiction under the section though wide has to be exercised sparingly, carefully and with caution. The formation of opinion by the High Court for quashing a criminal offence or criminal proceeding or criminal complaint is guided by the material on record and would depend on the facts and circumstances of each case and no category can be prescribed;

(e) Exclusions: Heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. cannot be fittingly quashed even though the victim or victim's family and the offender have settled the dispute. Such offences are not private in nature and have a serious impact on society, as also any compromise between the victim and the offender in relation to the offences under special statutes like the Prevention of Corruption Act or the offences committed by public servants while working in that capacity, etc. cannot provide for any basis for quashing criminal proceedings involving such offences;

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(f) Stage of settlement: If the settlement is arrived at immediately after the alleged commission of the offence when the matter is still under investigation, the High Court may be somewhat liberal in accepting the settlement and quashing the proceedings/investigation;

12. It would be worthy to note that the exclusionary category for quashing i.e. 'heinous and serious offences of mental depravity' ought not to import offences punishable under Section 304-A which applies to cases where there is no intention to cause death and no knowledge that the act done in all probability will cause death. It is not a pre-meditated act. Negligence is a breach of duty imposed by law. In any event, as propounded in Babu Khan (supra) - 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. In criminal cases, the amount and degree of negligence are determining factors. A question whether the accused's conduct amounted to culpable rashness or negligence depends directly on the question as to what is the amount of care and circumspection which a prudent and reasonable man would consider it to be sufficient considering all the circumstances of the case.

13. What therefore also needs to be seen by the courts, and has been in multitude of decisions (including those adverted to above), as part of the assessment of 'ends of justice', is whether the complainant would be better served by receiving compensation which he/she may deem adequate considering the circumstances of their life, their socio-economic status, rather than awaiting a long trial and a remote possibility of conviction. Even This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 24/09/2023 at 09:28:21 if the conviction is successful in the final run, the complainant would still have to possibly await the culmination of rounds of appeal in order to reach a legal conclusion. Even at that stage, whether

there would be any compensation for the complainant, or not, is open to speculation. There is an argument that by providing compensation, an encouragement is being made for the accused to simply be exonerated by paying monetary compensation. Even though this is a legitimate concern, it needs to be weighed and measured in a balance; sifted, winnowed and filtered using the sieve of principles culled out above. It requires both analytical and intuitive assessment by the court, since it involves both legal assessment and awareness of the social and practical reality.

14. In the facts and circumstances of this particular petition, as adverted to in paras 1-4 above, considering the above settlement between the parties and the chances of conviction of petitioners being remote and bleak, there is no use continuing with proceedings of the present FIR as it would be a misuse of the process of the Court and an unnecessary burden on the State exchequer. Accordingly, the petition is allowed. Consequently, the FIR No.693/2014 PS Bawana under Sections 336/304A IPC and proceedings emanating therefrom are quashed.

15. Parties shall abide by the terms of settlement.

16. Accordingly, the petition is disposed of. Pending applications (if any) are disposed of as infructuous.

17. Order be uploaded on the website of this Court.

ANISH DAYAL, J MAY 16, 2023/MK This is a digitally signed order.

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