

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

Date of Decision: January 16, 2015

+ (i) **CRL.M.C. 173/2015 & CrI.M.A.728/2015**

FARZANA Petitioner

Through: Mr. S.K. Jha, Advocate

versus

THE STATE OF DELHI & ANRRespondents

Through: Mr.Praveen Bhati, Additional
Public Prosecutor for respondent-
State with SI. S.P. Singh
Respondent No.2 in person

+ (ii) **CRL.M.C. 177/2015 & CrI.M.A.733/2015**

SHAHABUDDIN & ORS Petitioners

Through: Mr. Inamuddin, Advocate

versus

THE STATE OF DELHI & ANRRespondents

Through: Mr.Praveen Bhati, Additional
Public Prosecutor for respondent-
State with SI. S.P. Singh
Respondent No.2 in person

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

JUDGMENT

(ORAL)

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In the above captioned first petition, quashing of FIR No.250/2008 under Sections 309/304 of IPC and in the above captioned second petition, quashing of FIR No.9/2008 under Sections 498-A/406/116/34 of

IPC both registered at P.S. Sangam Vihar, Delhi is sought.

With the consent of learned counsel for the parties, both these petitions were heard together and by this common judgment, they are being disposed of together.

Upon notice, learned Additional Public Prosecutor for respondent-State informs that in FIR No.250/2008, charge has been framed for the offence under Section 304 (Part-I) of IPC and deposition of ten witnesses has been already recorded and the chief examination of the eleventh witness has been also recorded and the major part of the prosecution evidence is over whereas, in FIR No.9/2008, it has been informed that the charge under Sections 306/460/498-A of IPC has been already framed.

In view of the gravity of the offences, learned Additional Public Prosecutor for respondent-State strongly opposes the above captioned two petitions while drawing attention of this Court to the following observations made by the Apex Court in '*Gian Singh Vs. State of Punjab & Anr.*' (2012) 10 SCC 303, which reads as under:-

"58. 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."

Applying the afore-noted dictum of the Apex Court in *Gian Singh (supra)* to the facts of the instant case, it would not be appropriate to quash the FIRs in question.

Accordingly, the above captioned two petitions and the

applications are dismissed while not commenting upon the merits lest it may prejudice either side at trial.

(SUNIL GAUR)
JUDGE

JANUARY 16, 2015

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