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IN THE HIGH COURT OF DELHI AT NEW DELHI

DECIDED ON : 18th AUGUST, 2015

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CRL.M.C. 632/2015

SIDHARTH PRIYA

..... Petitioner

Through : Mr.Shekhar Kumar, Advocate with
Mr.Janme Jay, Advocate.

versus

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

Through : Mr.Sanjeev Sabharwal, APP.
Mr.Nawalendra Kumar, Advocate
for R2.
SI Pinki Rana.

**CORAM:
HON'BLE MR. JUSTICE S.P.GARG**

S.P.Garg, J. (Oral)

1. The instant petition under Section 482 Cr.P.C. has been filed by the petitioner for quashing of the FIR No.1314/2014 registered under Section 376 IPC at PS New Ashok Nagar. Status report is on record.

2. I have heard the learned counsel for the parties and have examined the file. Status report reveals that on the complaint of the prosecutrix 'X' (assumed name) on 02.11.2014 the FIR was lodged. In her

statement under Section 164 Cr.P.C., the prosecutrix reiterated her allegations. Upon completion of investigation, a charge-sheet has been filed for committing offence under Section 376 IPC against the petitioner where the next date of hearing is 23.08.2015.

3. It appears that the matter has been settled and the prosecutrix has opted not to pursue the matter. However, that aspect itself is not sufficient at this stage to quash the FIR under Section 376 IPC. Offence under Section 376 IPC is not compoundable. In '*Gian Singh vs. State of Punjab & anr.*', 2012 (10) SCC 303, the Supreme Court categorically excluded settlement to have any legal sanction in such serious offences like murder, rape and dacoity, etc. In a recent judgment '*State of M.P. vs. Madanlal*', 2015 (7) SCALE 261, decided on 01.07.2015, Supreme Court observed :

"The aforesaid view was expressed while dealing with the imposition of sentence. We would like to clearly state that in a case of rape or attempt of rape, the conception of compromise under no circumstances can really be thought of. These are crimes against the body of a woman which is her own temple. These are offences which suffocate the breath of life and sully the reputation. And reputation, needless to emphasise, is the richest jewel one can conceive of in life. No one would allow it to be extinguished. When a human frame is defiled, the "purest treasure", is lost. Dignity of a woman is a part of her non-perishable and

immortal self and no one should ever think of painting it in clay. There cannot be a compromise or settlement as it would be against her honour which matters the most. It is sacrosanct. Sometimes solace is given that the perpetrator of the crime has acceded to enter into wedlock with her which is nothing but putting pressure in an adroit manner; and we say with emphasis that the Courts are to remain absolutely away from this subterfuge to adopt a soft approach to the case, for any kind of liberal approach has to be put in the compartment of spectacular error. Or to put it differently, it would be in the realm of a sanctuary of error. We are compelled to say so as such an attitude reflects lack of sensibility towards the dignity, the elan vital, of a woman. Any kind of liberal approach or thought of mediation in this regard is thoroughly and completely sans legal permissibility....”

4. In view of the above, I find no merit in the instant petition and is dismissed.

**(S.P.GARG)
JUDGE**

AUGUST 18, 2015 / tr