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

Date of Decision: March 23, 2015

\+ **CRL.M.C. 1375/2012**

DUSHYANT @ DUSHI & ORS. ..... Petitioners
Through: Mr. Sumit Choudhary, Advocate

versus

STATE GOVT. OF NCT OF DELHI & ANR. .....Respondents
Through: Mr. Parveen Bhati, Additional Public Prosecutor for respondent-State

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

JUDGMENT

% **(ORAL)**

Quashing of FIR No.121/2012 under Sections 323/325/341/506/186/ 353/332/34 of IPC and Sections 3 (1) (X) of *the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act,1989* registered at P.S. Safdarjung Enclave, New Delhi is sought in this petition on the basis of settlement with respondent No.2.

At the hearing, learned counsel for petitioners had drawn the attention of this Court to order of 5th August, 2013 wherein it is noted that respondent No.2 had appeared in person and had confirmed the settlement and had given no objection to quashing of the FIR in question. It also stands noticed in the aforesaid order that petitioners had attacked the PCR van which had come to the spot at the time of incident and had pelted bricks and stones resulting in injuries to two police officials namely Nityanand and Umrao.

It is pertinent to note that the aforesaid police officials are not a party in this petition and vide order of 5th August, 2013, the hearing in this petition was deferred as it was found that Apex Court in *'Gian Singh Vs. State of Punjab & Anr.'* (2012) 10 SCC 303 has cautioned that in serious cases, FIRs should not be quashed.

Although it was submitted by learned Additional Public Prosecutor for respondent-State that the charge-sheet in this case has been filed not for the offence under *the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989* but for the offences under Sections 183/332/353 of IPC which affects the society at large and so, the FIR in question does not deserve to be quashed.

Upon hearing and on perusal of the FIR of this case, the status report and affidavit of respondent No.2, I find that on the basis of settlement, the FIR of this case cannot be quashed for the reason that injured police officials are not party to this petition and the nature of offence purportedly committed is such which does not call for quashing of FIR in question in exercise of inherent jurisdiction of this Court under Section 482 of Cr.P.C..

In view of aforesaid, this petition is dismissed while refraining to comment upon merits of this case.

(SUNIL GAUR)
JUDGE

MARCH 23, 2015
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