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

Date of Decision: April 10, 2015

+ **CRL.M.C. 1032/2015**

YAKUB & ORS Petitioners

Through: Mr. Prabhat Kumar and Mr.
Akhilesh Padhan, Advocates

versus

THE STATE (GOVT OF NCT OF DELHI) & ORS

..... Respondents

Through: Ms. Nishi Jain, Additional Public
Prosecutor for respondent-State
with SI Priyanka
Respondents No.2 & 3 in person

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

% **JUDGMENT**
(ORAL)

Quashing of FIR No.2575/2014 registered under Section 376 of IPC registered at P.S. Mehrauli, New Delhi is sought on the basis of affidavits of respondents No.2 & 3 and *Compromise Deed* of 16th February, 2015 (*Annexure P-3*).

Learned Additional Public Prosecutor for respondent-State submits that besides the offence under Section 376 of IPC, offence under *The Protection of Children from Sexual Offences Act, 2012* has been also committed and in view of the gravity of the offence committed, this

petition is strongly opposed. It is submitted that in serious cases, like the instant one, FIRs ought not to be quashed. In this regard, attention of this Court is drawn 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.”

It is pointed out that the afore-noted dictum of the Apex Court stands reiterated by the Apex Court in its later decision in *Narinder Singh v. State of Punjab* (2014) 6 SCC 466. The pertinent observations of the Apex Court in *Narinder Singh (Supra)* are as under:-

“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.”

Upon hearing and on perusal of the FIR in question and the decisions cited, I find that the nature of the offence committed is such

which dissuades this Court to quash the FIR in question.

Accordingly, this petition is dismissed while clarifying that the dismissal of this petition would not be taken as a reflection on the merits of this case at trial.

(SUNIL GAUR)
JUDGE

APRIL 10, 2015

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