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

Date of Decision: April 10, 2015

+ (i) **CRL.M.C. 5560/2014**

SANJAY DASS & ORS ..... Petitioners
Through: Mr. Shahid Ali and Mr. Mohd. Shariq, Advocates

versus

STATE & ANR .....Respondents
Through: Mr. Vinod Diwakar, Additional Public Prosecutor for respondent-State with ASI Mool Chand

+ (ii) **CRL.M.C. 5565/2014**

VARUN DASS & ANR ..... Petitioners
Through: Mr. Shahid Ali and Mr. Mohd. Shariq, Advocates

versus

STATE & ANR .....Respondents
Through: Mr. Vinod Diwakar, Additional Public Prosecutor for respondent-State with ASI Mool Chand

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

JUDGMENT
% (ORAL)

In the above-captioned two petitions, quashing of FIR No.787/2013 under Sections 307/34 of IPC and FIR No.1146/2014 under

Sections 308/34 of IPC both registered at P.S. Madhu Vihar, Delhi is sought on the basis of affidavits of complainant party and on an oral settlement.

Since the quashing is sought on identical grounds, therefore, with the consent of both the sides, these petitions were heard together and by this common judgment, they are being disposed of.

At the hearing, learned counsel for petitioners had relied upon decision in *Superintendent and Remembrancer of Legal Affairs, W.B. v. Mohan Singh and Others* AIR 1975 SC 1002, *S.M.S. Pharmaceuticals Ltd. v. Neeta Bhalla and Another* (2007) 2 SCC (Crl.)192, *Basara & Ors. V. State & Anr.* 2007 (98) DRJ 381, *Sapan Patra v. The State (NCT of Delhi) & Ors.* 2006 [3] JCC 2150, *Vicky Malhotra & Ors. State & Anr.* 134 (2006) DLT 432, *Inderjeet Goel v. State & Anr.* 2006 [3] JCC 1333, *Surendra Nath Mohanty and Another v. State of Orissa* AIR 1999 SC 2181, *Satwinder Singh & Another v. State of Punjab & Others* in Crl.M.C.22608/2011 decided on 29th May, 2012, *Dharam Pal Singh v. State of Punjab and Others* in Crl.M.C. No.5348/2014 decided on 15th May, 2014 and *Narinder Singh and Others v. State of Punjab and Another* (2014) 6 SCC 466 to submit that upon compromise, the proceedings arising out the FIRs in question deserve to be quashed.

Learned Additional Public Prosecutor for respondent-State strongly opposes the quashing of the FIRs in question by submitting that the offence committed was a pre-meditated one and 7 or 8 knife blows were inflicted. 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 following observations made by 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 FIRs in question, the status report and the decisions cited, I find that the nature of the offence committed is such which dissuades this Court to quash the FIRs in question.

Accordingly, both these petitions are dismissed while clarifying

that the dismissal of these petitions 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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