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

Date of Decision: August 21, 2015

+ CRL.M.C. 3366/2015

YOGESH DAGAR & ANR. Petitioners

Through: Mr. Neeraj Dahiya, Advocate

versus

THE STATE (NCT OF DELHI) & ANR. Respondents

Through: Mr. Ashish Dutta, Additional
Public Prosecutor for respondent-
State with SI Mukesh Kumar
Respondent No.2 in person

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

JUDGMENT
(ORAL)

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Quashing of FIR No. 107/2015, under Section 306 of the IPC, registered at police station Jafarpur Kalan, Delhi, is sought on the basis of Memorandum of Understanding of 25th July, 2015 and on the ground that the misunderstanding which led to registration of the FIR now stands cleared between the parties.

Notice.

Mr. Ashish Dutta, learned Additional Public Prosecutor for respondent-State accepts notice and submits that quashing of FIR in question is sought on the basis of affidavit of respondent No.2, who happens to be mother of deceased. Learned Additional Public Prosecutor for respondent-State opposes this petition 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.”

The afore-noted dictum stands reiterated by the Apex Court in a 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. In view of the aforesaid discussion, we sum up and lay down the following principles by which the High Court would be guided in giving adequate treatment to the settlement between the parties and exercising its power under Section 482 of the Code while accepting the settlement and quashing the proceedings or refusing to accept the settlement with direction to continue with the criminal proceedings:

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29.2. When the parties have reached the settlement and on that basis petition for quashing the criminal proceedings is filed, the guiding factor in such cases would be to secure:

(i) ends of justice, or

(ii) to prevent abuse of the process of any court.

While exercising the power the High Court is to form an opinion on either of the aforesaid two objectives.

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 both the sides and upon perusal of the FIR in question, I find that the offences alleged to have been committed by petitioners are of such a nature which dissuades this Court to exercise its inherent extraordinary powers under Section 482 of Cr.P.C. to quash the FIR in question. Applying the dictum of Apex Court in *Gian Singh (supra)* and *Narinder Singh (supra)* to facts of the instant case, this petition and the application are dismissed while not commenting upon merits of this case lest it may prejudice petitioners at trial.

(SUNIL GAUR)
JUDGE

August 21, 2015

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