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

+ **CRL.M.C. 1996/2017**

NITIN KUMAR

..... Petitioner

Through Mr.Manoj Bhandari, Adv.

versus

STATE & ANR.

..... Respondent

Through Mr.Panna Lal Sharma, APP with SI
Neeraj Kumari, PS K.N. Katju Marg.

CORAM:

HON'BLE MR. JUSTICE P.S.TEJI

ORDER

% **18.05.2017**

Crl.M.A. 8237/2017 (Exemption)

Application is allowed subject to just exceptions.

Crl.M.C. 1996/2017 & Crl.M.A. 8238/2017 (Stay)

The present petition has been filed under Section 482 Cr.P.C. for quashing the FIR No.779/2016, under Sections 354/509/506/328 /376 IPC, Police Station K.N. Katju Marg.

The factual matrix of the present case is that initially the FIR in question was registered under Section 354D/509/506 IPC. Later on, the prosecutrix had made a statement to the effect that the petitioner/accused had committed rape upon her after giving her some intoxicating substance, therefore, penal Sections 328/376 IPC were added in the present case. After conclusion of investigation, charge sheet was filed in the Court.

Admittedly, the allegations of rape and penal Section 376 IPC has been added in the present case.

The Hon'ble Apex Court in the case of ***Gian Singh v. State of Punjab (2013) 10 SCC 303***, it was observed that heinous and serious offences of mental depravity, murder, rape, dacoity etc. or under special statutes like Prevention of Corruption Act or offences committed by public servants while working in their official capacity, cannot be quashed even though victim or victims family and the offender have settled the dispute. Such offences are not private in nature and have a serious impact on the society. Similar observations have been made in ***Narinder Singh v. State of Punjab (2014) 6 SCC 466***.

This Court further observes that the offence in the instant FIR involves Section 376 IPC which is one of the heinous crimes and is clearly an offence against the society at large and is not private in nature.

In view of the seriousness of the allegations of rape and in view of the law laid down in the case of ***Gian Singh*** (supra) and ***Narinder Singh*** (supra), this Court is not inclined to quash the FIR in question.

Before parting with the order, this Court would like to place it on record by way of abundant caution that whatever has been stated hereinabove in this order has been so said only for the purpose of disposing of the present petition by the petitioner. Nothing contained in this order shall be construed as expression of a final opinion on any of the issues of fact or law arising for decision in the case which shall

naturally have to be done by the Trial Court seized of the trial.

The present petition is accordingly disposed of.

As a result, Crl.M.A. 8238/2017 is also disposed of.

P.S.TEJI, J

MAY 18, 2017
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