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

+ CRL.M.C. 1822/2017

HARI SINGH & ORS

..... Petitioners

Through: Mr. Deepak Prakash, Adv.
versus

STATE OF NCT OF DELHI & ORS

..... Respondents

Through: Mr. G.M. Farooqui, APP for State
with SI Sandeep Shrivastava, P.S.
Maurya Enclave.
Mr. Kunal Singh, Adv. for R-2 & R-3.

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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24.10.2017

By this petition under Section 482 Cr.P.C. petitioner has prayed for quashing of FIR No. 232/2015 under Sections 395/342/458/34 IPC registered at police station Maurya Enclave, on the complaint of respondent no. 3, in view of the settlement. After investigation charge-sheet has been filed and trial is underway.

A perusal of FIR shows that on receipt of DD No. 6A, ASI Udai Singh along with Const. Ashok Kumar reached the spot, that is, G-24, 25, 26, Pacific Building, K.P. Block, Pitampura, Delhi and met complainant-Rajpal Singh who produced a mobile phone of the offenders to him. Complainant stated that he was working as a Watchman at Pacific Building,

Pitampura. While he was on duty, in the intervening night of 13th and 14th March, 2015 at about 2:30 am, three boys aged between 28 and 30 years came there. One boy kept a knife on his neck while his accomplices gagged his mouth. They pulled him inside the shop where five more boys were present. Thereafter, they locked him in the store room and took away the goods lying in the shop. On hearing the sound of siren all the boys escaped from the back door. The owner of the shop checked the looted articles and gave details thereof which included cash of ₹37,500/- as well. The total value of the looted goods was more than ₹10 lacs.

Keeping in mind the serious nature of the offence of dacoity, I am of the view that FIR cannot be quashed at this stage. Recently, three Judges bench of Supreme Court, vide judgment dated 4th October, 2017 in ***SLP (Crl.) No. 9549/2016***, has laid as under :-

“In the exercise of the power under [Section 482](#) and while dealing with a plea that the dispute has been settled, the High Court must have due regard to the nature and gravity of the offence. Heinous and serious offences involving mental depravity or offences such as murder, rape and dacoity cannot appropriately be quashed though the victim or the family of the victim have settled the dispute. Such offences are, truly speaking, not private in nature but have a serious impact upon society. The decision to continue with the trial

in such cases is founded on the overriding element of public interest in punishing persons for serious offences;.”

In view above discussions, petition is dismissed.

A.K. PATHAK, J.

OCTOBER 24, 2017
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