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

+ W.P.(CRL) 1578/2017

NAVEEN DHAMI

..... Petitioner

Through Mr.Dhananjay Kumar, Adv.

versus

THE STATE NCT OF DELHI & ANR

..... Respondent

Through Mr.Anya Singh for Mr.Avi Singh,  
ASC for the State with SI Manisha,  
PS H.N. Din.

**CORAM:**

**HON'BLE MR. JUSTICE P.S.TEJI**

**ORDER**

% **24.05.2017**

**CrI.M.A. 8820/2017 (Exemption)**

Application is allowed subject to just exceptions.

**W.P. (CRL) 1578/2017**

Arguments heard.

The present petition has been filed under Section 226 of the Constitution of India for quashing the FIR No.95/2017, under Sections 376 IPC, Police Station Hazrat Nizamuddin.

The factual matrix of the present case is that the prosecutrix had made a statement to the police that she knew the accused Naveen Dhami since school days and they were meeting each other. When prosecutrix completed her graduation, accused asked her to accompany to Delhi. Accused used to say to the father of the prosecutrix that he would marry the prosecutrix. The prosecutrix

came to Delhi in 2013 along with accused and had been residing at Jangpura, New Delhi. During the last four years, accused became physical with the prosecutrix on the pretext of marrying her. Thereafter, accused left the prosecutrix at Haldwani at the house of her sister and then it was revealed the accused had performed marriage.

On the basis of statement made by the prosecutrix, FIR of the instant case was registered under Section 376 IPC.

The Hon'ble Apex Court in the case of ***Gian Singh v. State of Punjab (2013) 10 SCC 303*** 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.

**P.S.TEJI, J**

**MAY 24, 2017**  
**dd**