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

+ CRL.M.C. 3386/2017 & CrI. M.A. No. 13833/2017 (stay)

SUDHANSHU @ HIMANSHU GUPTA Petitioner
Through Mr. Shalabh Gupta, Adv.

versus

STATE & ANR Respondent
Through Mr. M.S. Oberoi, APP for the State

CORAM:
HON'BLE MR. JUSTICE A.K. PATHAK

ORDER
% **23.10.2017**

Petitioner has prayed for quashing of the FIR No. 134/2017 under Section 376 IPC registered at Police Station Sunlight Colony on the complaint of respondent no. 2, on the ground of compromise reached between the petitioner and respondent no. 2.

Learned APP has opposed the quashing of FIR on the basis of compromise between the accused and prosecutrix and has placed reliance on Gian Singh vs. State of Punjab & Anr. 2010 (12) SCALE 461.

In Gian Singh (supra), Supreme Court has observed thus: "However, before exercise of such power, the High Court must have due regard to the nature and gravity of the crime. Heinous and serious offences of mental

depravity or offences like murder, rape, dacoity etc. cannot be fittingly quashed even though the victim or victims family and the offender have settled the dispute.”

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;.”

For the foregoing reason, I am not inclined to quash the FIR on the grounds of compromise reached between the parties. Petition is dismissed. Miscellaneous application is disposed of as infructuous.

OCTOBER 23, 2017
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A.K. PATHAK, J.