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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ CRL.M.C. 571/2018  
MOHAN GAUTAM & ORS ..... Petitioners  
Through: Mr. Rama Shanker, Adv.  
versus

STATE (NCT OF DELHI)& ANR ..... Respondents  
Through: Ms. Manjeet Arya, APP for State with  
W/SI Usha Rani, P.S. Mandir Marg.  
Mr. Shivam Garg, Adv. for R-2 with  
R-2 in person.

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

**ORDER**  
% **20.02.2018**

By this petition under Section 482 of the Code of Criminal Procedure, 1973, petitioners has prayed for quashing of FIR No. 8/2017 under Sections 376/328/506/342 IPC registered at Police Station Mandir Marg, on the complaint of respondent no. 2, on the ground that matter has been compromised between the petitioners and respondent no.2.

In Gian Singh vs. State of Punjab 2010 (1) SCATE 461, 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, Supreme Court in Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur Vs.The State Of Gujarat & Anr. MANU/SC/1241/2017 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.

**A.K. PATHAK, J.**

**FEBRUARY 20, 2018**

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