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

+ CRL.M.C. 748/2018 and CrI M.A. 2709/2018

OM PRAKASH & ORS Petitioners

Through: Mr.Sanjeev Kumar Sarwal, Advocate
versus

THE STATE GOVT OF NCT OF DELHI & ANR Respondents

Through: Mr. Ashish Dutta, APP for State with
SI Ompal Singh, PS K.Khas

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

% **13.02.2018**

Vide the present petition the petitioners seek quashing of the FIR No.294/2016, Police Station Gokalpuri under Section 306/498A/34 of the Indian Penal Code, 1860 submitting to the effect that a settlement has been arrived at between the petitioners and the respondent No.2.

A bare perusal of the FIR in question indicates that the FIR has been registered under Sections 306/498/34 Indian Penal Code, 1860 on the complaint of the respondent No.2, the mother of the deceased Geeta, the wife of the petitioner No.1 Om Prakash S/o Bale Ram and as per the averments made in the FIR, Geeta expired on 28.4.2016 after having allegedly committing suicide.

The averments in the FIR are also to the effect that on 25.4.2016 the complainant, i.e., the respondent No.2 had met her daughter, she had also been informed of maltreatment and beatings given to her by the petitioners. Through the compromise deed that has been submitted now on the record by the petitioners and the respondent No.2 and through earlier submissions made on behalf of

the petitioners, it is submitted that the respondent No.2 has since forgiven the petitioners and as per the averments made in the settlement documents on the record, dated 6.1.2018 due to intervention of respectable persons, a settlement has been arrived at between the parties. The said settlement documents also state *inter alia* to the effect that the deceased committed suicide due to demise of her father as she was emotionally attached to her father.

There is vehement opposition on behalf of the State to the prayer made by the petitioners seeking quashing of the FIR. Apparently, a bare perusal of the FIR indicates gross and grave allegations against the petitioners. It is considered essential to observe that the FIR in the instant case had not been only registered in relation to the matrimonial discord between the petitioner No.1 and the deceased and other, the allegations against the petitioners in the FIR itself are of a nature which indicate that the grant of the prayer made by the petitioners seeking quashing of the FIR despite submission made on behalf of the petitioner to the effect that the children of the deceased in their statements under Section 161 CrPC did not assert any allegations against the petitioner, the verdict of the Apex Court in **Gian Singh vs. State of Punjab & Another**, (2012) 10 SCC 303 categorically observes to the effect that in cases of serious offences like murder, rape, dacoity, etc., or other offences of mental depravity under IPC or offences of moral turpitude under special statutes, like the Prevention of Corruption Act or the offences committed by public servants while working in that capacity, the

settlement between the offender and the victim can have no legal sanction at all.

In the instant case though the FIR is indicated to have been registered under Section 306 of the Indian Penal Code, 1860 which relates to the abetment of suicide, the averments in the FIR are to the effect that the suicide committed by the daughter of the respondent No.2 was due to maltreatment meted out to her. The verdict of the apex Court in *Parbatbhai Aahir and Ors. v. State of Gujarat and Ors*; AIR 2017 SC 4843, lays down the parameters vide paragraph 15 thereof in relation to the aspect of quashing of FIR in Criminal cases and specifically delineated vide para 16 to the effect that whilst dealing with the dispute that has been settled that vide exercise of powers under Section 482 Cr.p.C. the High Court must have due regard to the nature and gravity of offences and serious offences which have an impact on society cannot be allowed to be quashed.

In the facts and circumstances of the case, it is not considered appropriate in the interest of justice to allow the prayer made by the petitioners seeking quashing of the FIR in question registered under Section 306/498-A IPC.

Nothing stated herein above shall, however, amount to any expression on the merits or demerits of averments in the FIR nor on the trial.

The petition is thus dismissed.

ANU MALHOTRA, J

FEBRUARY 13, 2018/sv