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

\+ CRL.M.C. 2399/2018

CHANDAN & ANR ..... Petitioners

Through Mr. Arun Gaur, Adv.

versus

THE STATE & ANR ..... Respondents

Through Mr. Amit Chadha, APP with ASI Jatan Swaroop, P.S. Krishna Nagar
Mr. Veeresh Kumar Sharma, Adv. for respondent no. 2

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

O R D E R

% 18.12.2018

By this petition under Section 482 Cr.P.C., petitioners have prayed for quashing of the FIR No. 501/2014 under Sections 376/328/34 IPC registered at Police Station Krishna Nagar on that ground of settlement arrived at between petitioner no. 1 and respondent no. 2. It is submitted that petitioner no. 1 and respondent no. 2 have now married.

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 and Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur Vs.The State Of Gujarat & Anr. MANU/SC/1241/2017.

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."

In Parbatbhai (Supra), Supreme Court has held 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 ground that a compromise has reached between the parties. Petition is dismissed.

A.K. PATHAK, J.

DECEMBER 18, 2018
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