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IN THE HIGH COURT OF DELHI AT NEW DELHI

Decided on:- 12th July, 2018

+ CRL. M.C. 3421/2018 and Crl.M.A.12433-12434/2018

Sh. RISHI PAL MEHRA & ORS. Petitioners
Through: Mr. Amit Kumar Tripathi, Advocate
with Mr. Vinay Chadda, Advocate

versus

STATE (GOVT. OF NCT OF DELHI) & ORS.

.... Respondents
Through: Mr. Akshai Malik, APP for the State
with ASI Yatender, PS New Ashok
Nagar.
Ms. Ayushi Rawat, Adv. for R2 & R3

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER (ORAL)

1. The case vide first information report (FIR) No.95/2013 was registered by Police Station New Ashok Nagar on 08.03.2013 at the instance of the second respondent, it concerns the incident that had occurred at about 3:15 p.m. on that date at the house No.D-170, New Ashok Nagar of the third respondent, he being the uncle (*chacha*) of the second respondent. The investigation into the said FIR resulted in a charge-sheet being submitted in the court of Magistrate seeking prosecution of the petitioners for offences punishable under Sections 325/308/34 IPC. Admittedly, the case was committed to the Court of Sessions after cognizance had been taken. It is pending trial on the said charge having been framed.

2. By the petition at hand, prayer is made invoking the inherent jurisdiction of this court under Section 482 of the Code of Criminal Procedure, 1973 (Cr.P.C.) for the proceedings in the said sessions case (CC No.528/2018) arising out of the aforesaid FIR to be quashed on the basis of some settlement reached by the petitioners with the second and third respondents.

3. It is well settled that in forming an opinion whether a criminal proceeding should be quashed in exercise of jurisdiction vested in this court under Section 482 Cr.P.C., it must be evaluated whether ends of justice would justify the exercise of the said inherent power and in such evaluation the court must bear in mind the nature and gravity of the offences involved, it also being trite that the cases involving mental depravity or offences such as culpable homicide, rape or dacoity cannot appropriately be quashed though the victim or his family may have settled the dispute, the reason being such offences have a serious impact upon society, the decision to continue with the trial being founded on the overriding element of public interest in punishing persons for serious offences. [*Parbatbhai Aahir alias Parbatbhai Bhimsinhbhai Karmur and Others v. State of Gujarat and Another*, (2017) 9 SCC 641].

4. Since the case involves offence of attempt to commit culpable homicide, this court declines to interfere in the ongoing criminal process, the evidence in the case reflecting assault that was virtually unprovoked.

5. The petition is dismissed.

6. Pending applications also stand disposed of.

R.K.GAUBA, J.

JULY 12, 2018

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