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

+ CRL.M.C. 4688/2018 and Crl. M.A. no. 32092/2018

AMIT KUMAR & ORS Petitioners
Through Mr. Anuj Arora, Adv.

Versus

STATE & ANR Respondents
Through Ms. Kusum Dhalla, APP with SI
Nisha, P.S. Patel Nagar

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

ORDER
% **14.09.2018**

By this petition under Section 482 Cr.P.C., petitioners have prayed for quashing of FIR No. 155/2018 under Sections 363/366/376 IPC and Section 4/6/21 of the Protection of Children from Sexual Offence Act, 2012 registered at Police Station Patel Nagar, in view of the settlement arrived at between the petitioners and respondent no. 2. It is submitted that petitioner no. 1 and respondent no. 2 have got married and are living together. They have even been blessed with a child.

Learned APP submit that petitioner is charged for heinous offences. Respondent no.2 was a minor at the time of offence. Accordingly FIR

cannot be quashed even if a compromise has been arrived at between the concerned parties. Learned APP 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.”

Recently, Supreme Court in Parbatbhai Aahir (supra) 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;.”

(Emphasis Laid)

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.

SEPTEMBER 14, 2018

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