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

+ CRL.M.C. 5731/2018 and CrI. M.A. 47245/2018

MANMEET SINGH & ORS Petitioners

Through: Mr. V.K. Ohri, Advocate

versus

STATE (NCT OF DELHI) & ANR Respondents

Through: Mr. Sanjeev Sabharwal, APP for State

Mr.Rajpal Kasana and Mr. Vishwajee Tiwari,

Advocates for R-2

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

% **15.11.2018**

This petition has been filed invoking the inherent power of this Court under Section 482 of the Code of Criminal Procedure, 1973 (Cr.P.C.) to seek the proceedings in criminal case against the petitioners arising out of first information report (FIR) no. 88/2017 of police station Hauz Khas involving offences punishable under Sections 376/377/354/506/509/323/341/34 of Indian Penal Code, 1860 (IPC) registered at the instance of second respondent to be quashed on the basis of settlement of the dispute with her as per settlement agreement dated 13.09.2018 executed at Delhi High Court Mediation and Conciliation Centre.

The petition is resisted by the State on submission that the nature of the offences involved in the case is so grave and heinous, involving the element of “*mental depravity*” that it is inadvisable for

this Court to exercise the inherent power under Section 482 Cr.P.C. Though, the counsel for petitioners initially submitted that the case arises out of “*matrimonial dispute*”, upon the additional public prosecutor pointing out he conceded that case of assault with intent to outrage modesty, unnatural offence and rape is directed against persons other than the husband.

On his attention being drawn to the rulings of the Supreme Court in *State of Madhya Pradesh vs. Madan Lal* (2015) 7 SCC 681 and *Parbatbhai Aahir alias Parbatbhai Bhimsinhbhai Karmur and Others v. State of Gujarat and Another*, (2017) 9 SCC 641, in the context of offences involved here, the counsel for the petitioners submits that he may be permitted to withdraw the captioned petition and the application filed therewith.

The petition and the application filed therewith are dismissed as withdrawn.

R.K.GAUBA, J

NOVEMBER 15, 2018

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