

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

*Date of Order: February 07, 2019*

+ CRL.M.C. 704/2019 & CrI.M.A. 2887/2019

SUNIL KUMAR @ SONU ..... Petitioner

Through: Mr. Vikash Kumar, Mr. Rohit  
Singh & Mr. Manoj Kumar, Advocates

Versus

STATE (GOVT OF NCT OF DELHI) & ANR. .... Respondents

Through: Mr. M.S.Oberoi, Additional Public  
Prosecutor for the State

**CORAM:**

**HON'BLE MR. JUSTICE SUNIL GAUR**

**ORDER**  
**(ORAL)**

Quashing of F.I.R. No. 13/2019, under Sections 376/328 of IPC, registered at Police Station Raj Park, Delhi is sought in this petition on the basis of affidavit of 11<sup>th</sup> January, 2019 of second respondent, who is the complainant of FIR in question.

Supreme Court in *Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Vs. State of Gujarat* (2017) 9 SCC 641 has reiterated the parameters for exercising inherent jurisdiction under Section 482 Cr.P.C. for quashing of FIR / criminal complaint, which are as under:-

*“16.6. 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.”*

Merely because respondent No.2/ prosecutrix has given a different version later on, would not justify quashing of FIR in question, as the said statement is required to be put to prosecutrix when she steps into the witness box. Supreme Court in *Parbatbhai Aahir (Supra)* has cautioned the Courts not to quash the FIR relating to heinous crimes.

No case for quashing of FIR in question is made out.

This petition and application are accordingly dismissed while not commenting upon the merits of the case.

**(SUNIL GAUR)**  
**JUDGE**

**FEBRUARY 07, 2019**

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