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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.M.C. 740/2019 and CRL.M.A. 3036/2019
HIMANSH YADAV & ORSPetitioners
Through: Mr. R.K. Singh, Advocate
Versus
THE STATE & ANRRespondents
Through: Mr. Izhar Ahmad, Additional
Public Prosecutor for State with SI
Yogesh Kumar
Respondent No. 2 in person.

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
% **11.02.2019**

Quashing of FIR No. 220/2018, under Sections 354/363/506/509 of IPC and under Section 12 of POCSO Act, registered at police station Timarpur, Delhi is sought on the basis of affidavit of mother of respondent No. 2 (minor) of 6th February, 2019.

Learned Additional Public Prosecutor for respondent-State points out that the charge sheet in this case is being filed for the offence under Section 365 IPC, which is a heinous offence and so, this petition on the basis of compromise is strongly opposed.

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.”

Prosecutrix in her statement under Section 164 of Cr.P.C. has also supported the prosecution case and so, in view of the dictum of Supreme Court decision in *Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Vs. State of Gujarat*, this Court is not inclined to quash the FIR in question as the offence committed by petitioner is heinous one.

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

This petition and application are accordingly dismissed.

(SUNIL GAUR)
JUDGE

FEBRUARY 11, 2019

p'ma