

\$~32

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

+ CRL.M.C. 895/2019 & CrI.M.A. 3566/2019

VINOD KUMAR @ FALLI & ORS. Petitioners
Through: Mr. S.P.Paul & Ms. Kiran Lata
Paul, Advocates

Versus

THE STATE (NCT OF DELHI) & ANR. Respondents
Through: Mr. M.P.Singh, Additional Public
Prosecutor for respondent-State with SI Sohan
Lal
Mr. C.M. Thapliyal, Advocate for respondent
No.2

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

% **18.02.2019**

Quashing of FIR No. 815/2017, under Sections 307/34 IPC and Sections 25/27/54/59 Arms Act, registered at police station Mehrauli, Delhi is sought on the basis of Memorandum of Understanding of 11th February, 2019 (*Annexure-B colly*).

Learned Additional Public Prosecutor for respondent-State strongly opposes this petition on the ground that the offence committed is heinous one.

Upon hearing and on perusal of FIR of this case, Memorandum of Understanding of 11th February, 2019 (*Annexure-B colly*) and the material on record, I find that the manner in which the incident in question had

taken place, clearly reveals that the offence committed is heinous one.

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.”

Applying the afore-noted dictum of Supreme Court in *Parbatbhai Aahir (Supra)* to the facts of the instant case, I am not inclined to quash the FIR of this case, as the offence committed is heinous one.

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

(SUNIL GAUR)
JUDGE

FEBRUARY 18, 2019

r