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

+ **CRL.M.C. 1549/2019**

SOOBEDAR YADAV ..... Petitioner

Through: Ms. Seema Khatri, Advocate

Versus

STATE & ANR. ....Respondents

Through: Mr. Izhar Ahmed, Additional  
Public Prosecutor for respondent-  
State

**CORAM:**

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

**ORDER**

% **27.03.2019**

**CRL.M.A. 6522/2019**

By way of this application, early hearing of the petition is sought.

Upon hearing, this application is allowed. The date of 19<sup>th</sup> August, 2019 is cancelled and hearing of the petition is preponed for today.

The application is accordingly disposed of.

**CRL.M.C. 1549/2019**

In view of orders passed in Crl.M.A. 6522/2019, the date of 19<sup>th</sup> August, 2019 is cancelled and the petition is taken up for hearing today.

Quashing of FIR No. 244/2018, under Sections 376/406 IPC, registered at police station Inder Puri, New Delhi is sought on the basis of second respondent's affidavit of 13<sup>th</sup> March, 2019 and copy of marriage certificate.

Mr. Izhar Ahmed, learned Additional Public Prosecutor for respondent-State, submits that respondent No.2, present in the Court is the prosecutrix of this FIR and charge-sheet for the offences under Sections 376/406 IPC has been filed and the prosecutrix in her statement under Section 163 Cr.P.C. has supported the prosecution case.

Respondent No.2, present in the Court, submits that after this incident, she has married petitioner and they are happily living together for last three years and so, to restore cordiality between the parties, proceedings arising out of FIR in question be quashed.

Petitioner's counsel relies upon decision of Supreme Court in *Dhruvaram Murlidhar Sonar Vs. State of Maharashtra & Ors.* 2019 (1) SCALE 64 to submit that in a similar case, charge-sheet filed has been quashed, as the relationship between the parties was consensual and it would not constitute offence under Section 376 IPC.

Upon hearing and on perusal of FIR of this case and decision cited, I find that the prosecutrix in her statement recorded under Section 164 Cr.P.C. has not given clean chit to petitioner and so, two Judge Bench decision of Supreme Court in *Dhruvaram Murlidhar Sonar (Supra)* is not relied upon as Three Judge Bench decision in *Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Vs. State of Gujarat* (2017) 9 SCC 641 have cautioned the courts not to quash the FIR registered for heinous crimes like murder, rape etc., as it has a serious impact on the society. The pertinent observations of Supreme Court in *Parbatbhai Aahir (Supra)* 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.”*

In view of the aforesaid, no case for quashing of FIR in question is made out.

This petition is accordingly dismissed while refraining to comment upon merits of this case.

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

**MARCH 27, 2019**

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