

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of Order: April 08, 2019

+ **CRL.M.C. 1857/2019 & CrI.M.A. 7426-28/2019**

SHRI SHIV SHANKARPetitioner
Through: Mr. Sahil Kakkar, Advocate

Versus

STATE & ANR.Respondents
Through: Dr. M.P.Singh, Additional Public
Prosecutor for respondent-State
with SI Pradeep

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

Quashing of FIR No.37/2018, under Sections 420/471/120B of IPC, registered at police station Mianwali Nagar, Delhi is sought on the basis of statement of respondent No. 2/complainant.

Upon notice, learned Additional Public Prosecutor for respondent No.1-State strongly opposes this petition by submitting that the offence committed by petitioner are of serious nature.

Upon hearing and on perusal of the FIR of this case, I find that petitioner is accused of defrauding innocent persons on the pretext of getting admission in Manav Bharti University and the allegations levelled are of serious nature.

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 proceedings, 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 aforequoted dictum to the fact of the instant case, I find that no case for quashing of the FIR of this case is made out on the basis of settlement.

Accordingly, this petition and the applications are dismissed, while not commenting upon the merits of the case.

(SUNIL GAUR)
JUDGE

APRIL 08, 2019

v