

\$~35

\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ CRL.M.C. 2001/2019 & CRL.M.A. 7912/2019  
G MANI GANDA @ G MANI KANDA ..... Petitioner  
Through: Mr. S.A. Khan, Advocate

Versus

STATE ( NCT OF DELHI) & ANR .....Respondents  
Through: Mr. M.P. Singh, Additional Public  
Prosecutor for State  
Respondent No. 2 in person.

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

% **ORDER**  
**12.04.2019**

In this petition, quashing of FIR No. 138/15, under Sections 307/34 of IPC registered at Police Station Inderpuri, Delhi is sought on the basis of 'Memorandum of Understanding' of 8<sup>th</sup> March, 2019.

Learned counsel for petitioner submits that respondent No. 2/complainant of this FIR in question is present in the Court and he has no objection in quashing of this FIR.

Learned Additional Public Prosecutor for respondent-State strongly opposes this petition and points out that offence committed by petitioner is serious one and so, proceedings arising out of the FIR in question do not deserve to be quashed.

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.”*

Upon hearing and on perusal of the FIR of this case and the above-referred dictum of Supreme Court in *Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai (Supra)*, the manner in which the incident had taken place and the fact that petitioner had used *Kudwa (Talwar)* to give repeated blows to the Injured, I find that the offence committed by petitioner is a serious one and so, no case is made out for quashing of the FIR in question on the basis of compromise.

This petition and application are accordingly dismissed, while refraining to comment upon merits of this case.

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

**APRIL 12, 2019**  
*p'ma*