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

+ **CRL.M.C. 2289/2019**

NADEEM AHMAD @ MOHD. NADEEM AHMAD & ORS

.....Petitioners

Through: Mr.Sajjad Ali and and Mr.Shoaib,
Advocates

Versus

THE STATE (NCT OF DELHI) & ANRRespondents

Through: Ms. Neelam Sharma, Additional
Public Prosecutor for State with SI
Roshan Lal

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

% **29.04.2019**

CRL.M.A. 9068/2019 (Exemption)

Allowed subject to all just exceptions.

CRL.M.C. 2289/2019

Quashing of FIR No. 465/2015, under Sections 341/323/328/34 IPC, registered at police station Sarita Vihar, Delhi is sought on basis of 'Memorandum of Understanding' of 18th March, 2019.

Learned Additional Public Prosecutor for respondent-State opposes the application by submitting that the offence committed by petitioner under Section 328 of IPC is a heinous offence which is punishable with a term upto ten years.

"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 FIR this case, I find that offence under Section 328 IPC committed by petitioner is a heinous offence and so, no case for quashing of the FIR in question is made out.

Accordingly, this petition is dismissed while not commenting upon the merits of this case.

(SUNIL GAUR)
JUDGE

APRIL 29, 2019

v