

\$~19

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

+ CRL.M.C. 3145/2018

SUDHIR KUMAR @ SANU

..... Petitioner

Through: Mr. Abhimanyu S. Khatri, Adv.

Versus

STATE (NCT) OF DELHI & ANR

..... Respondent

Through: Ms. Neelam Sharma, Additional
Public Prosecutor for State

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

%

13.02.2019

Quashing of FIR No. 1078/2015, under Sections 392/411/34 of IPC and under Section 27 of *the Arms Act*, registered at police station Prashant Vihar, Delhi is sought on the basis of compromise.

Learned Additional Public Prosecutor for respondent-State strongly opposes this petition and submits that offence committed by petitioner under Section 392 of IPC is heinous one and is punishable with sentence upto 10 years.

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.”

I do not find it to be a fit case for quashing of the FIR in question as Supreme Court has already cautioned the Courts not to quash the FIR pertaining to heinous offences. This Court is not inclined to quash the FIR in question as the offence committed by petitioner is heinous one.

No case for quashing of FIR in question is made out.

This petition is accordingly dismissed.

(SUNIL GAUR)
JUDGE

FEBRUARY 13, 2019

p'ma