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

+ **CRL.M.C. 1501/2023**

ALEXANDER FRANCIS

.....Petitioner

Through: Mr.N.K.Verma and Ms.Dimple
Sirohi, Advocates with petitioner in
person.

versus

STATE OF NCT OF DELHI & ANR

.....Respondents

Through: Mr. Laksh Khanna, APP for State
with SI Sachin PS Baba Haridas
Nagar and SI Rashmi PS Malviya
Nagar.
Mr. Ravi Kumar, Advocate (through
VC) for respondent No.2.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

22.07.2024

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1. With the assistance of Id. APP, this Court has examined the case file.
2. The present petition has been filed seeking quashing of FIR No. 386/2021 registered under Sections 376/506 IPC and 6 POCSO at P.S. Baba Haridas Nagar, Delhi and the consequent proceedings arising therefrom.
3. As per the allegation in the present FIR, the petitioner, being the brother-in-law of the complainant had committed rape upon her multiple times and even gave beatings to her, causing physical as well as mental trauma. The allegations are supported in the subsequent statements as well as the medical record.
4. It is noted that the present FIR is sought to be quashed merely on the ground that the parties have arrived at a settlement.



5. Learned APP for the State has taken a preliminary objection to the maintainability of the present petition and submits that offences are grave and serious in nature. Further, the complainant has supported her version in the statement recorded under Section 164 Cr.P.C. It is also submitted that the chargesheet has been filed and the charge has been framed. It has been informed that the trial is at the stage of defence evidence.

In support of his submission, he has referred to the Supreme Court decisions in Gian Singh v. State of Punjab & Anr.¹ and State of Madhya Pradesh v. Laxmi Narayan & Ors.²

6. The Supreme Court in Gian Singh (supra), has observed as under:

“xxx

61. The position that emerges from the above discussion can be summarised thus: the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences under Section 320 of the Code. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz; (i) to secure the ends of justice or (ii) to prevent abuse of the process of any Court. In what cases power to quash the criminal proceeding or complaint or F.I.R may be exercised where the offender and victim have settled their dispute would depend on the facts and circumstances of each case and no category can be prescribed. However, before exercise of such

¹ (2012) 10 SCC 303

² (2019) 5 SCC 688



power, the High Court must have due regard to the nature and gravity of the crime. Heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. cannot be fittingly quashed even though the victim or victim's family and the offender have settled the dispute. Such offences are not private in nature and have serious impact on society....

xxx”

7. Considering the import of the aforementioned decision and the similar observations made by the Court in Shimbhu v. State of Haryana reported as **(2014) 13 SCC 318**, as well as the nature and gravity of the offence, I find no ground to entertain the present petition. Accordingly, the same is dismissed alongwith the pending application.

MANOJ KUMAR OHRI, J

JULY 22, 2024/rd