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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 857/2024 & CRL.M.A. 8054/2024, CRL.M.A. 8055/2024**

VARUN PURI

..... Petitioner

Through: Mr. Ajay Khanna, Advocate.

versus

STATE (THROUGH ITS STANDING COUNSEL)

INVESTIGATION OFFICER, & ANR.

..... Respondents

Through: Mr. Sanjay Lao, SC (Crl.) with SI
Asha

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

14.03.2024

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1. By way of present petition filed under Articles 226/227 of the Constitution of India read with Section 482 Cr.P.C., the petitioner seeks quashing of FIR No.244/2017 registered under Sections 376/506 IPC at P.S. Sarita Vihar and all consequential proceedings emanating therefrom.
2. The present petition is premised on the ground that after registration of FIR the parties have been able to reach an amicable settlement as both are now married separately and living a peaceful life with their respective spouses.
3. The petition is vehemently opposed by the learned Standing Counsel for the State. It is stated that Section 376 IPC is involved in the present matter which is not only a serious and heinous offence, but which also has serious impact upon the society and therefore, the same cannot be quashed solely based upon the settlement arrived at between the parties. Reference is

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made to decision of Supreme Court in in Gian Singh v. State of Punjab & Anr.¹ and State of Madhya Pradesh v. Laxmi Narayan & Ors.²

4. The Supreme Court in Gian Singh (Supra), while dealing with the power of High Court to quash criminal proceedings under Section 482 Cr.P.C., observed:-

“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 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”

5. To the similar extent are observations in Laxmi Narayan (Supra).

6. The records reveal that the FIR in question came to be registered on 03.08.2017 and after investigation, charge-sheet came to be filed on

¹ (2012) 10 SCC 303

² (2019) 5 SCC 688



16.11.2017. Further, the charge has already been framed by the Trial Court under Sections 417/376(2)(n)/506/509 IPC vide order dated 13.09.2018.

7. From the conspectus of decisions discussed above, it can be seen that though the High Court has the power under Section 482 Cr.P.C. to quash criminal proceedings and FIR relating to even non-compoundable offence, the same has to be exercised within certain guidelines ingrained in the provision itself i.e. (i) to secure ends of justice or (ii) to prevent abuse of process of any Court. It has been further clarified that such powers cannot be used to quash proceedings relating to heinous and serious offences like murder, rape, dacoity etc. which are not simply private in nature, but have serious impact on the society as well.

8. In the present case, though a settlement has been arrived at between the parties and they seek to put a quietus to the incident and the further proceedings emanating therefrom, however, after due consideration of the facts of the case, this Court is of the considered opinion that the present proceedings relate to Section 376(2)(n) (among other sections) and since the same is a serious and heinous offence having serious impact on the society, the same cannot be quashed simply on the ground of settlement arrived at between the parties.

9. Consequently, I do not find any ground to entertain the present petition and the same is dismissed accordingly alongwith miscellaneous applications.

MANOJ KUMAR OHRI, J

MARCH 14, 2024

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