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

+ **CRL.M.C. 6016/2023**

BHARAT BHARDWAJ

.....Petitioner

Through: **Mr. Neeraj Rana and Mr. Jagjit,**
Advocates with petitioner in person.

versus

STATE OF NCT OF DELHI & ANR

.....Respondents

Through: **Mr. Laksh Khanna, APP for State**
with **SI Mahendra Patel PS Narela,**
Delhi.

Ms. Priyanka Malik, Advocate for
respondent no.2 with respondent no.2
in person.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

29.08.2024

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1. The present petition has been filed seeking quashing of FIR No. 653/2017 registered under Sections 354C/354D/376/506 IPC and 4 POCSO at P.S. Narela, Delhi and the consequent proceedings arising therefrom.
2. As per the allegations in the present case, the petitioner coerced the respondent No. 2 into establishing forceful sexual relations with him repeatedly, and even threatened that he would defame her through inappropriate photos unless she married him.
3. It is noted that the present FIR is sought to be quashed merely on the ground that the parties have arrived at a settlement and have subsequently got married on 08.03.2021.
4. 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. It is further submitted that even though the parties are married now, the complainant has fully supported the prosecution case and has reiterated the incident in her deposition recorded in the court during trial. It is also submitted that the trial is at the stage of final arguments.

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

5. 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 power, the High Court must have due regard to the nature and gravity of the crime. Heinous and serious offences of mental

¹ (2012) 10 SCC 303

² (2019) 5 SCC 688



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”

6. 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, and considering that the matter is at the stage of final arguments, I find no ground to entertain the present petition. Accordingly, the same is dismissed alongwith the pending application.

MANOJ KUMAR OHRI, J

AUGUST 29, 2024/js