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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C.6404/2023**

SAURABH

.....Petitioner

Through: Mr. Vikas Kharti and Mr. Manas
Khatrri, Advocates.

versus

STATE AND ORS

.....Respondents

Through: Mr. Aashneet Singh, APP for State.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

14.08.2024

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1. The present petition has been filed seeking quashing of FIR No. 149/2019 registered under Sections 376/328/363/379 IPC and 4 POCSO Act, at P.S. Ambedkar Nagar, Delhi and the consequent proceedings arising therefrom.
2. As per the allegations, the petitioner's minor daughter had gone missing from her sister's house. Upon investigation, the victim was recovered, who stated that the petitioner herein had taken her to a hotel in Noida, and had given her a drink laced with intoxicants, after which she lost consciousness. She woke up the next morning with pain in her genitalia and alleged that the petitioner had made forcible sexual relations with her while she was unconscious.
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.
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. Further, the complainant has supported her version in her statement. It is also submitted that the chargesheet has been filed.

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 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

¹ (2012) 10 SCC 303

² (2019) 5 SCC 688



(2014) 13 SCC 318, as well as the nature and gravity of the offence, I find no ground to entertain the present petition and the same is accordingly dismissed.

MANOJ KUMAR OHRI, J

AUGUST 14, 2024/rd