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

+ CRL.M.C. 8012/2023

BILAL AHMAD

.....Petitioner

Through: Mr. Arjun Handa, Advocate

versus

STATE OF NCT OF DELHI AND ORS.

.....Respondents

Through: Mr. Aashneet Singh, APP for State with
WSI Dinesh Kumari

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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22.07.2024

1. With the assistance of learned APP for the State, this Court has examined the case file.
2. The present petition has been filed seeking quashing of FIR No.717/2021 registered under Sections 376/354A/323/506/34 IPC at P.S. Mehrauli, Delhi, and the consequent proceedings arising therefrom.
3. A perusal of the FIR would show that the complainant alleged that the petitioner after mixing drinks with an intoxicant, committed rape upon her and later, blackmailed her with the threats of making public her objectionable photographs which were taken when she was unconscious.
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 the 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.

In support of his submission, he has referred to the decisions of Hon'ble Supreme Court 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:

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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”

¹ (2012) 10 SCC 303

² (2019) 5 SCC 688



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

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