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

+ **CRL.M.C. 7095/2024 & CRL.M.A. 27066/2024**

YASIN & ORS.Petitioners

Through: Mr. Naveen Kumar, Adv.

versus

STATE GOVT. OF NCT OF DELHI
& ANR.

.....Respondents

Through: Mr. Rajkumar, APP for the
State with SI Mahipal, PS
Dayalpur.

CORAM:
HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER
01.10.2024

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1. The present petition is filed seeking quashing of FIR No. 432/2023 dated 09.06.2023, registered at Police Station Dayal Pur, for offences under Sections 498A/406/506/376/34 of the Indian Penal Code, 1860.
2. It is seen that serious allegations have been made by the complainant against her brother-in-law in regard to forceful sexual exploitation. Specific dates have also been mentioned.
3. Such allegations cannot be ignored and the FIR cannot be quashed only because the complainant has decided to settle the disputes.
4. The Hon'ble Apex Court has laid down parameters and guidelines for High Court while accepting settlement and quashing the proceedings. In the case of *Narinder Singh & Ors. v. State of Punjab & Anr. : (2014) 6 SCC 466*, the Hon'ble Supreme Court had observed as under :-

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“29. In view of the aforesaid discussion, we sum up and lay down the following principles by which the High Court would be guided in giving adequate treatment to the settlement between the parties and exercising its power under Section 482 of the Code while accepting the settlement and quashing the proceedings or refusing to accept the settlement with direction to continue with the criminal proceedings:

29.1. Power conferred under Section 482 of the Code is to be distinguished from the power which lies in the Court to compound the offences under Section 320 of the Code. No doubt, under Section 482 of the Code, the High Court has inherent power to quash the criminal proceedings even in those cases which are not compoundable, where the parties have settled the matter between themselves. However, this power is to be exercised sparingly and with caution.

29.2. When the parties have reached the settlement and on that basis petition for quashing the criminal proceedings is filed, the guiding factor in such cases would be to secure:

- (i) ends of justice, or*
- (ii) to prevent abuse of the process of any court.*

While exercising the power the High Court is to form an opinion on either of the aforesaid two objectives.

29.3. Such a power is not to be exercised in those prosecutions which involve heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. Such offences are not private in nature and have a serious impact on society. Similarly, for the offences alleged to have been committed under special statute like the Prevention of Corruption Act or the offences committed by public servants while working in that capacity are not to be quashed merely on the basis of compromise between the victim and the offender.



29.4. On the other hand, those criminal cases having overwhelmingly and predominantly civil character, particularly those arising out of commercial transactions or arising out of matrimonial relationship or family disputes should be quashed when the parties have resolved their entire disputes among themselves.

29.5. While exercising its powers, the High Court is to examine as to whether the possibility of conviction is remote and bleak and continuation of criminal cases would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal cases.”

(emphasis supplied)

5. It is not in doubt that the offence under Sections 376 of the IPC is heinous in nature and involve mental depravity. Offences of such nature cannot be quashed merely because the victim has settled the dispute. Such offences, in true sense, cannot be said to be offences *in personam* as the same are crimes against the society.

6. The present petition is, therefore, dismissed. Pending application(s) also stand disposed of.

AMIT MAHAJAN, J

OCTOBER 1, 2024 / 'KDK'