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

+ **W.P.(CRL) 3028/2024 & CRL.M.A. 29382/2024**

SHEKHAR VERMA

.....Petitioner

Through: **Mr. Dibyaroop Pattnaik,**
Advocate.

versus

STATE NCT OF DELHI AND ANR

& ANR.

.....Respondents

Through: **Mr. Amit Peswani,**
Advocate for Ms. Nandita
Rao, ASC-CRL for the
State.
SI Rahul Kumar (P.S.
Adarsh Nagar).
Mr. R.K. Jha, Advocate
for R-2.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

27.09.2024

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1. The present petition is filed seeking quashing of FIR No. 369/2024, dated 10.06.2024, registered at Police Station Adarsh Nagar, for offences under Sections 376/354/323/506/509/34 of the Indian Penal Code, 1860.
2. The FIR was registered on complainant alleging commission of rape by her own brother-in-law after the death of her husband.
3. The learned counsel for the petitioner submits that the parties have settled their disputes. He submits that a complaint was given owing to a misunderstanding between the parties.
4. The complainant is present in person in Court and on being asked states that a false complaint was not filed. However,



she states that she does not wish to pursue any proceedings against the petitioner.

5. It is pertinent to note that the allegation against the petitioner in the present case is one of rape. The allegation of such nature cannot be quashed merely because the parties have settled the dispute. An offence of rape cannot be called to be an offence *in personam*.

6. 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 Apex Court had observed as under :-

“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. Undisputedly, the offence under Section 376 of the IPC is heinous in nature and involves mental depravity. Offences of such nature cannot be quashed merely because the victim has settled the dispute. Such offences, in the true sense, cannot be said to be offences *in personam* as the same are crimes against the society.



6. Considering the allegations, this Court is of the opinion that the FIR and the proceedings arising therefrom cannot be quashed.

7. Accordingly, the present petition is dismissed.

AMIT MAHAJAN, J

SEPTEMBER 27, 2024

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