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

+ CRL.M.C. 8375/2024 & CRL. M.A.31979/2024

SHAKTI VERMA & ANR

.....Petitioners

Through: Mr. Sudhir, Ms. Sabina, Ms. Jyoti and
Mr. Jitender, Advocates

versus

STATE OF NCT OF DELHI & ANR

.....Respondents

Through: Mr. Nawal Kishore Jha, APP for State
with SI Brij Mohan and ASI Asha
Rani PS GTB Enclave, Delhi.
Mr. Alok Sharma and Mr. Mukesh
Kumar, Advocates for respondent
no.2 with respondent no.2 in person.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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23.10.2024

1. The present petition has been filed seeking quashing of FIR No.0082/2024 registered under Sections 376/506/34 IPC at P.S. G.T.B Enclave, Delhi and the consequent proceedings arising therefrom.
3. As per the allegations in the present FIR, the petitioner No.1 established forceful physical relations with the complainant/victim with the false promise to marry on multiple occasions and took some objectionable photographs/videos of the victim, which he and petitioner No.2 later used as leverage to blackmail her to continue physical relations with him.
4. It is noted that the present FIR is sought to be quashed only on the ground that the parties have arrived at a settlement. It is stated that on account of intervention of family, the parties have entered into a compromise deed dated 10.10.2024.
5. 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. An offence of rape is an offence against the society at large and should not just be quashed on the basis of settlement between the parties. The present FIR was registered on the written complaint given by the complainant/victim to the SHO. It is submitted that under the pretext of a false promise of marriage the petitioner No.1 engaged in physical relations with the respondent No. 2. It is further submitted that the petitioner No.1 demanded money for his education, and took financial help from respondent No.2 through cash and online transfers. 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 Supreme Court decisions 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

¹ (2012) 10 SCC 303

² (2019) 5 SCC 688



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”

7. Keeping in view the gravity of allegations and considering that complainant/victim in the FIR has alleged that the petitioner forcefully established physical relations with her multiple times as well as the serious nature of the threats given to the victim and her family, the present petition is an abuse of the process of law.

8. Further, 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

OCTOBER 23, 2024/rd