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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CRL.M.C. 176/2023

SACHIN SHARMA

.....Petitioner

Through: Mr.Lohit Ganguly and Ms.Reeta,
Advocates with petitioner in person
versus

THE STATE (GOVT. OF NCT DELHI) & ANR.Respondents

Through: Mr. Laksh Khanna, APP for State with
SI Deepali
Respondent No.2 in person

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

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O R D E R
31.07.2024

1. The present petition has been filed seeking quashing of FIR No.254/2018 registered under Sections 376/354D/506/509 IPC and 6 POCSO at P.S. Janakpuri, Delhi and the consequent proceedings arising therefrom.
2. As per the allegations levelled in the present FIR, the petitioner established forceful physical relations with the complainant/victim on multiple occasions and took some objectionable photographs of the victim, which he later used as leverage to blackmail her to continue physical relations with him. Additionally, the petitioner also gave life threats and even threatened to throw acid on the victim.
3. 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 14.12.2022.

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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. The present FIR was registered on the written complaint given by the complainant/victim to the SHO. Further, the complainant has supported her version in the statement recorded under Section 164 Cr.P.C. It is stated that the victim was minor at the time of the incident. Apart from offence under Section 376 IPC, the petitioner is also implicated under Section 6 of POCSO. It is also submitted that the chargesheet has been filed and the charge has been framed. The prosecutrix is yet to be examined in court. It is further stressed that the statement of object of the POCSO Act states that the Act is aimed to secure the tender age of the children and ensure they are not abused and their childhood and youth is protected against exploitation. 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.

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:

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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

¹ (2012) 10 SCC 303

² (2019) 5 SCC 688



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. 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 when she was just a minor 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.
7. Further, considering the import of the aforesaid 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.
8. The observations made hereinabove are only for the purpose of disposal of the present petition and shall not be considered as an expression on the merits of the case.

MANOJ KUMAR OHRI, J

JULY 31, 2024/na

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