

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

% **Reserved on: 12th November, 2021**
Pronounced on: 25th November, 2021

+ **CRL.M.C. 2597/2021**

GURPREET SINGH & ORS. Petitioners

Through: Mr. Gaurav Sharma, Advocate

versus

STATE NCT OF DELHI & ANR. Respondents

Through: Mr. Panna Lal Sharma, APP for
State along with SI Sandeep,
Police Station, Samaypur Badli.
Mr. Vikas Nagwan, Mr. Yogesh
Aggarwal and Ms. Manvi
Rajvanshy, Advocates for R-2

CORAM:
HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

J U D G M E N T

CHANDRA DHARI SINGH, J.

1. The instant petition is filed under Section 482 of Code of Criminal Procedure, 1973 (hereinafter referred to as Cr.P.C) for quashing of FIR no. 789/2017 under Sections 376/364A/365/366/328/323/354A/506/509/34 Indian Penal Code, 1860 (hereinafter referred to as IPC), Police Station Samaypur Badli, North Delhi and quashing of chargesheet filed by respondent no. 1 and further proceedings thereupon on the ground that the matter has been amicably settled between the parties by way of compromise/settlement agreement dated 21st September, 2020.

FACTUAL MATRIX

2. Brief facts of the case leading to the filing of the present petition can be summarized as under:

- i) The petitioner no. 1 and respondent no. 2 got to know each other through facebook and within short time became friends and then got close to each other.
- ii) On 12th March, 2017, petitioner no. 1 came to Delhi from Panchkula, Chandigarh on the birthday of respondent no. 2.
- iii) It is submitted that the petitioner no. 1 and respondent no. 2 met each other at Panchkula, Chandigarh as well as Delhi.
- iv) On 30th August, 2017, respondent no. 2 called the petitioner no. 1 and stated that her parents are forcing her for marriage and that she did not want to marry anyone other than the petitioner no.1. She requested the petitioner no. 1 to come to Delhi and to take her away and, thereafter, the petitioner no. 1 took respondent no. 2 to Panchkula.
- v) The father of the respondent no. 2 lodged a missing complaint of his daughter on 31st August, 2017 vide G.D. no. 048A in Police Station Samaypur Badli, Delhi.
- vi) On 4th September, 2017, father of respondent no. 2 has filed a written complaint to the Police for kidnapping of his daughter (respondent no. 2 herein) and calling for ransom. Upon receiving the said complaint, an FIR bearing no. 789/2017 under Sections 364A/365/34 IPC was registered.

- vii) The petitioner no. 1 and respondent no. 2 got married on 6th September, 2017 according to Hindu rites and ceremonies at Shri Balaji Jyotish Kendra, Sector 4, Panchkula, Chandigarh.
- viii) The petitioner no. 1 and respondent no. 2, on 7th September, 2017, moved a protection petition (CRM.M. 33444/2017) before Punjab & Haryana High Court at Chandigarh on apprehension that the parents of respondent no. 2 might kill them on pretext of honour killing. The petitioner no. 1 and respondent no. 2 got protection order on 8th September, 2017 from Punjab and Haryana High Court.
- ix) After marriage, petitioner no. 1 and respondent no. 2 lived together for few months as husband and wife at their matrimonial house. After sometime, the respondent no. 2 left her matrimonial house on the influence of her parents.
- x) On 6th January, 2018, father of respondent no. 2, along with his wife and respondent no. 2, made another written complaint to police for blackmailing, threatening of life, defaming, molestation, rape and intoxication of drugs. Upon said complaint, police added Sections 376/366/328/323/354A/506/509 IPC. Thereafter the victim was taken for medical examination and on the basis of same MLC No. 602/18 got prepared.
- xi) The petitioner no. 1 and respondent no. 2 jointly filed a petition under Section 13B (2) of Hindu Marriage Act for dissolution of marriage on mutual consent before the Family Court No. 3, Rohini Courts, Delhi. The marriage of petitioner no. 1 and

respondent no. 2 was dissolved vide a decree of divorce by mutual consent with effect from the date of the decree i.e. 27th July, 2021.

- xii) With the intervention of family members and respectable people of the society, petitioner no. 1 and respondent no. 2 settled all disputes amicably. The petitioner no. 1 entered into a settlement agreement with the respondent no. 2, Ms. Samiksha Singh and her father Mr. Yashwant Singh vide settlement agreement dated 21st September, 2020 executed at Delhi, which is appended as Annexure A3 in the petition. On the basis of said settlement agreement dated 21st September, 2020, the entire dispute between the parties has been settled and compromised.
- xiii) The instant petition under Section 482 of Cr.P.C is filed for quashing of FIR bearing no. 789/2017 under Sections 376/364A/365/366/328/323/354A/506/509/34 IPC registered at Police Station Samaypur Badli, North Delhi and further proceedings of the said FIR on the basis of said compromise between the parties, while exercising the inherent powers under Section 482 Cr.P.C.

3. The State has filed the status report dated 9th November, 2021. The relevant paragraphs of the status report are quoted below for proper adjudication of the present case:

“8. That after the investigation was completed, the charge sheet has been filed in the case against seven accused persons, all of them have been made party in

the present petition. The allegations and Sections against each accused are as under:-

- The petitioner no.1 is the main accused who has been chargesheeted u/s 376/366/323/328/364A/365/506/509 IPC.*
- The petitioner no.2 is the father of Gurpreet who allegedly assisted the main accused, molested and threatened the prosecutrix, he has been chargesheeted u/s 376/354A/506/509 IPC.*
- The petitioner no.3 is the mother of Gurpreet who allegedly assaulted and threatened the prosecutrix, she has been chargesheeted u/s 376/354A/506/509 IPC.*
- The petitioner no.4 is the sister of Gurpreet who allegedly assaulted and threatened the prosecutrix, she has been chargesheeted u/s 376/354A/506/509 IPC.*
- The petitioner no.5 is the sister of Gurpreet who allegedly assaulted and threatened the prosecutrix, she has been chargesheeted u/s 376/354A/506/509 IPC.*
- The petitioner no.6 is the uncle of Gurpreet who allegedly assisted the main accused, molested and threatened the prosecutrix, he has been chargesheeted u/s 376/354A/506/509 IPC.*
- The petitioner no.7 Is the friend of Gurpreet who allegedly assisted the main accused In forcefully marrying and confining the prosecutrix, he has been chargesheeted u/s 344/366/34 IPC.*

The charges have not been framed in the case till now.

9. *That the present petition has been filed for quashing the abovementioned case on the basis of mutual settlement between the petitioner no.1 and the prosecutrix. It is pertinent to mention here that the settlement agreement which has been filed with the petition has been made only between the petitioner no.1 and the complainant & prosecutrix. No settlement between other petitioners and the victims has been placed on record.*

10. *In view of the above facts of the present case, the present petition is strongly opposed and the undersigned is ready to abide by any direction which this Hon'ble Court may choose to pass."*

SUBMISSIONS

4. Learned counsel appearing on behalf of the petitioner submitted that because the compromise/settlement agreement has been signed by both the parties i.e the petitioner no. 1 and respondent no. 2 and her father, therefore, on the basis of the said compromise, the entire proceeding may be quashed. It is also submitted that as per the settlement, it is evident that there is no issue left between the parties.

5. It is further submitted that the petitioner no. 1 and respondent no. 2 in compromise/settlement agreement, have stated that they have amicably settled all the disputes between them and have agreed to withdraw all the pending litigations/proceedings between them.

6. It is also submitted that the petitioner no. 1 and respondent no. 2 have already been divorced by the Court of Principle Judge, Family Court, North District, Rohini Courts, Delhi, in terms of compromise/settlement agreement dated 21st September, 2020.

7. It is submitted that the petitioner no. 1 and respondent no. 2 in their compromise/settlement agreement dated 21st September, 2020 have agreed that after the execution of the said compromise/settlement agreement, the petitioner no.1 and respondent no. 2 shall assist each other in initiating appropriate steps and proceedings to quash the FIR bearing no. 789/2017 under Sections 376/364A/365/366/328/323/354A/506/509/34 IPC registered at Police Station Samaypur Badli, North Delhi. It is submitted that no fruitful purpose would be served if the case is continued even after the settlement arrived between the parties.

8. *Per contra*, Mr. Panna Lal Sharma, learned APP appearing on behalf of State vehemently opposed the instant petition filed by the petitioners for quashing of the FIR and its further proceedings. It is submitted that the compromise/ settlement agreement which is appended as Annexure A3 in the paper book is signed by the petitioner no. 1, the respondent no. 2 and her father. It is informed in the Court that all petitioners are not party in the said compromise/settlement agreement and there are no documents available on record to show that other petitioners have also reached on the settlement with the respondent no. 2 and/or his father i.e. complainant/informant.

9. Learned APP further submitted that the petitioner is charged for heinous crime for offences punishable under Sections 376 and 364A of IPC. It is submitted that for offence punishable under Section 364A, maximum sentence awarded is death or imprisonment of life. Therefore, the FIR lodged under such offence may not be quashed by this Court while exercising the inherent power under Section 482 of Cr.P.C.

10. It is further submitted that it is settled law that grave or serious offences or offences which involve moral turpitude or have a harmful effect on the social and moral fabric of the society or involve matters concerning public policy, cannot be construed between two individuals or groups only, for such offences have the potential to impact the society at large. It is submitted that effacing abominable offences through quashing process would not only send a wrong signal to the community but may also accord an undue benefit to unscrupulous, habitual or professional offenders, who can secure a settlement through duress, threats, social boycott, bribes or other dubious means.

11. Learned APP submitted that in the instant case, the petitioner was charged under Sections 364A and 376 of IPC. Section 376 talks about the offences against women i.e in which punishment is not less than ten years which is extendable to imprisonment of life and fine, whereas, Section 364A talks about kidnapping for ransom, i.e. in which the punishment is death or imprisonment for life and fine.

12. It is further submitted that the quashing in non-compoundable offence under Section 482 of Cr.P.C, following the settlement between the parties, does not amount to a circumvention of the provisions of Section 320 of Cr.P.C. Learned APP further submitted that whether a criminal proceeding should or should not be interdicted midway really depends on the facts of each case. In the instant case, the accused applicants/petitioners are charged for heinous offence under Section 364A and 367 IPC. Therefore, in view of the above facts and

circumstance, the instant petition is devoid of any merit and needs to be dismissed.

ANALYSIS AND FINDINGS

13. Heard learned counsels for the parties at length and perused the materials of the record.

14. Before scrutinizing the facts of the present case and rephrasing the scope and powers exercisable by High Court under Section 482 of Cr.P.C, it would be appropriate to mention Section 320 of Cr.P.C. and power of the High Court under Section 482 of Cr.P.C.

“320. Compounding of offences.—

- (1) The offences punishable under the sections of the Indian Penal Code (45 of 1860) specified in the first two columns of the Table next following may be compounded by the persons mentioned in the third column of that Table:—.....*
- (2) The offences punishable under the sections of the Indian Penal Code (45 of 1860) specified in the first two columns of the Table next following may, with the permission of the Court before which any prosecution for such offence is pending, be compounded by the persons mentioned in the third column of that Table:—
.....*
- (3) When an offence is compoundable under this section, the abetment of such offence or an attempt to commit such offence (when such attempt is itself an offence) or where the accused is liable under section 34 or 149 of the*

Indian Penal Code (45 of 1860) may be compounded in like manner.

(4) (a) *When the person who would otherwise be competent to compound an offence under this section is under the age of eighteen years or is an idiot or a lunatic, any person competent to contract on his behalf may, with the permission of the Court, compound such offence.*

(b) *When the person who would otherwise be competent to compound an offence under this section is dead, the legal representative, as defined in the Code of Civil Procedure, 1908 (5 of 1908) of such person may, with the consent of the Court, compound such offence.*

(5) *When the accused has been committed for trial or when he has been convicted and an appeal is pending, no composition for the offence shall be allowed without the leave of the Court to which he is committed, or, as the case may be, before which the appeal is to be heard.*

(6) *A High Court or Court of Session acting in the exercise of its powers of revision under section 401 may allow any person to compound any offence which such person is competent to compound under this section.*

(7) *No offence shall be compounded if the accused is, by reason of a previous conviction, liable either to enhanced punishment or to a punishment of a different kind for such offence.*

(8) *The composition of an offence under this section shall have the effect of an acquittal of the accused with whom the offence has been compounded.*

(9) *No offence shall be compounded except as provided by this section.*

482. Saving of inherent powers of High Court.—*Nothing in this Code shall be deemed to limit or affect the inherent powers of the High Court to make such orders as may be necessary to give effect to any order under this Code, or to prevent abuse of the process of any Court or otherwise to secure the ends of justice.”*

15. The first sentence of the Section 482 of Cr.P.C. ensures that nothing in this Code shall be deemed to limit or affect the inherent powers of this Code. Amongst the above mentioned three ingredients, the third ingredient viz. to otherwise secure the ends of justice, does have wider amplitude and its plentitude connotes the meaning that the Court's hands should be long enough to sub-serve the ends of justice. Courts have been constituted to implement the law laid down by the legislators. It is common judicial parlance that while implementing the law, the Courts are required to interpret it. On coming to sub-Section (9) of Section 320 Cr.P.C, the question as to whether a non-compoundable offence can be converted as compoundable, has been debated for a long time.

16. In *Hasimohan Barman & Anr. vs. State of Assam & Anr. (2008) 1 SCC 184*, the Hon'ble Supreme Court has held that what cannot be done directly cannot also be done indirectly. Unfortunately, the impact of Section 320 of Cr.P.C escaped the notice of the legislators although there have been, from time to time, various amendments, with regard to different provisions of the criminal procedure code.

17. In *Surendra Nath Mohanty vs. State* (1999) 5 SCC 238, the Hon'ble Supreme Court has held that in view of the legislative mandate contained in Section 320 of Cr.P.C, an offence can be compounded only in accordance with the provisions of the said section. That being so, no court can act according to his conscience, not even under Section 482 Cr.P.C because inherent jurisdiction cannot be invoked to set at naught the legislative mandate.

18. Prior to *Madhavrao Jiwajirao Scindia and others vs. Sambhajirao Chandrojirao Angre and others*, (1988) 1 SCC 692, the Hon'ble Supreme Court has held that it is also for the court to take into consideration any special features which appear in a particular case to consider whether it is expedient and in the interest of justice to permit a prosecution to continue. This is so on the basis that the court cannot be utilized for any oblique purpose and wherein the opinion of the court chances of an ultimate conviction is bleak and, therefore, no useful purpose is likely to be served by allowing a criminal prosecution to continue, the court may while taking into consideration the special facts of a case also quash the proceeding even though it may be at a preliminary stage.

19. In *B.S. Joshi vs. State of Haryana*, (2003) 4 SCC 675, a question, as to whether the High Court in exercise of its inherent powers can quash criminal proceedings or FIR or complaint for offences which are not compoundable under Section 320 Cr.P.C was raised for the consideration of the Court. In this case, the Hon'ble Supreme Court has also made reference to *Pepsi Food Ltd., & Anr. vs. Special Judicial Magistrate &*

Ors., (1998) 5 SCC 749. In the quoted decision, the Hon'ble Supreme Court has made reference to Bhajan Lal's case and observed that the guidelines laid therein as to where the court will exercise jurisdiction under Section 482 of the Code could not be inflexible or laying rigid formulae to be followed by the courts. Exercise of such power would depend upon the facts and circumstances of each case but with the sole purpose to prevent abuse of the process of any court or otherwise to secure the ends of justice. It is well settled that these powers have no limits. Of course, where there is more power, it becomes necessary to exercise utmost care and caution while invoking such powers.

20. Ultimately, the Hon'ble Supreme Court has held that in view of the above discussions that the High Court in exercise of its inherent powers can quash criminal proceedings or first information report or complaint and Section 320 of the Code does not limit or affect the powers under Section 482 Cr.P.C.

21. In *Hira Lal Hari Lal Bhagwati vs. C.B.I., New Delhi*, (2003) 5 SCC 257, the appellant was facing charges under Sections 420/120B IPC, under Chapter IV Finance (No.2) Act (21 of 1998) and under Section 95 of Kar Vivad Samadhan Scheme, 1998. It appears that the dispute was entered into compromise as a qua certificate was obtained under Kar Vivad Samadhan Scheme, 1998 and the customs duty paid by the appellants Gujarat Cancer Society. It also appears that despite acknowledging this fact CBI initiated criminal proceedings under the Indian Penal Code against Gujarat Cancer Society on allegations of cheating Government of India in terms of evasion of duty and by

concealment of facts obtained customs duty exemption certificate. Under this circumstance, the Hon'ble Supreme Court has held as follows:

“24. We have carefully gone through the Kar Vivad Samadhan Scheme, 1998 and the certificate issued by the Customs Authorities. In our opinion, the GCS is immune from any criminal proceedings pursuant to the certificates issued under the said Scheme and the appellants are being prosecuted in their capacity as office bearers of the GCS. As the Customs duty has already been paid, the Central Government has not suffered any financial loss. Moreover, as per the Kar Vivad Samadhan Scheme, 1998 whoever is granted the benefit under the said Scheme is granted immunity from prosecution from any offence under the Customs Act, 1962 including the offence of evasion of duty. In the circumstances, the complaint filed against the appellants is unsustainable.”

22. In ***Manoj Sharma vs. State and Others, 2008 16 SCC 1***, a question was also arisen as to whether a first information report which was registered for the offences under Sections 420/468/ 471/341/ 120B IPC, could be quashed either under Section 482 of the Cr.P.C or under Article 226 of the Constitution of India, when the accused and the complainant have compromised and settled the matter between themselves. The Hon'ble Supreme Court has held as follows:

“22. Since Section 320 Cr.P.C. has clearly stated which offences are compoundable and which are not, the High Court or even this Court would not ordinarily be justified in doing something indirectly which could not be done directly. Even otherwise, it ordinarily would not be a legitimate exercise of judicial power under Article 226 of the Constitution or under Section 482 Cr.P.C. to direct doing something

which the Cr.P.C. has expressly prohibited. Section 320(9) Cr.P.C. expressly states that no offence shall be compounded except as provided by that Section. Hence, in my opinion, it would ordinarily not be a legitimate exercise of judicial power to direct compounding of a non-compoundable offence.

23. *However, it has to be pointed out that Section 320 Cr.P.C. cannot be read in isolation. It has to be read along with the other provisions in the Cr.P.C. One such other provision is Section 482 Cr.P.C. which reads:*

Saving of inherent power of High Court. - Nothing in this Code shall be deemed to limit or affect the inherent powers of the High Court to make such orders as may be necessary to give effect to any order under this Code, or to prevent abuse of the process of any Court or otherwise to secure the ends of justice.

25. *However, in my opinion these judgments cannot be read as a Euclid's formula since it is well settled that judgments of a Court cannot be read mechanically and like a Euclid's theorem vide Dr. Rajbir Singh Dalal v. Chaudhari Devi Lal University (2008) 9 SCC 284, Bharat Petroleum Corporation Ltd. and Anr. v. N.R. Vairamani and Anr. (2004) 8 SCC 579. In rare and exceptional cases a departure can be made from the principle laid down in the decisions referred to in para 27, as observed in B.S. Joshi's case (supra), which has also been followed in other decisions e.g. Nikhil Merchant's case (supra). Even in the judgment of this Court in Aravalli Golf Club (2008) 1 SCC 683 where emphasis has been laid on judicial restraint, it has been mentioned that sometimes judicial activism can be resorted to by the Court where the situation forcefully requires it in the interest of the country or society (vide para 39 of the said judgment). Judicial activism was rightly resorted*

to by the U.S. Supreme Court in Brown v. Board of Education 347 U.S. 483 (1954), Miranda v. Arizona 384 U.S. 436 (1966), Roe v. Wade 410 U.S. 113 (1973), etc. and by Lord Denning in England in several of his decisions.

23. The Hon'ble Supreme Court in paragraph 61 of ***Gian Singh vs. State of Punjab, (2012) 10 SSC 303*** have carved out an exception by observing that:

“61..... 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. Similarly, any compromise between the victim and offender in relation to the offences under special statutes like Prevention of Corruption Act or the offences committed by public servants while working in that capacity etc; cannot provide for any basis for quashing criminal proceedings involving such offences”.

24. The compendium of these broad fundamentals structure in more than one judicial precedent has been recapitulated by another 3-Judge Bench of the Hon'ble Supreme Court in the case of ***State of Madhya Pradesh vs. Laxmi Narayan &Ors. (2019) 5 SCC 688*** elaborating as follows:

“(1) That the power conferred under Section 482 of the Code to quash the criminal proceeding for the non-compoundable offences under Section 320 of the Code can be exercised having overwhelmingly and predominantly the civil character, particularly those

arising out of commercial transactions or arising out of matrimonial relationship or family disputes and when the parties have resolved the entire dispute amongst themselves;

(2) Such 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;

(3) Similarly, such power is not to be exercised for the offences under the special statutes 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;

(4) xxx xxx xxx

(5) While exercising the power under Section 482 of the Code to quash the criminal proceedings in respect of non-compoundable offences, which are private in nature and do not have a serious impact on society, on the ground that there is a settlement/compromise between the victim and the offender, the High Court is required to consider the antecedents of the accused; the conduct of the accused, namely, whether the accused was absconding and why he was absconding, how he had managed with the complainant to enter into a compromise, etc.”

25. It is a settled law that offences which are ‘non-compoundable’ cannot be compounded by a Criminal Court in purported exercise of its powers under Section 320 Cr.P.C. Any such attempt by the Court would amount to alteration, addition and modification of Section 320 Cr.P.C, which is the exclusive domain of legislature. There is no patent or latent

ambiguity in the language of Section 320 Cr.P.C, which may justify its wider interpretation and include such offences in the docket of ‘compoundable’ offences which have been consciously kept out as non-compoundable. But, the limited jurisdiction to compound an offence within the framework of Section 320 Cr.P.C. is not an embargo against invoking inherent powers by the High Court vested in it under Section 482 Cr.P.C. The High Court, keeping in view the peculiar facts and circumstances of the case and for justifiable reasons can invoke the provisions of Section 482 Cr.P.C in aid to prevent abuse of the process of any Court and/or to secure the ends of justice. The decisions in *Nikhil Merchant vs. CBI, (2008) 9 SCC, 677*, *Manoj Sharma vs. State (2008) 16 SCC 1* and *B.S Joshi vs. State of Haryana (Supra)* were referred to a larger Bench of the Hon’ble Supreme Court and the larger Bench of the Hon’ble Supreme Court in the case of *Gian Singh vs. State of Punjab (Supra)* has taken a view as follows:

“57. Quashing of offence or criminal proceedings on the ground of settlement between an offender and victim is not the same thing as compounding of offence. They are different and not interchangeable. Strictly speaking, the power of compounding of offences given to a court under Section 320 is materially different from the quashing of criminal proceedings by the High Court in exercise of its inherent jurisdiction.”

Eventually, in paragraph 61 of judgment of *Gian Singh vs. State of Punjab (Supra)*, the note of caution insofar as heinous and grave offences under special laws has already been noticed and discussed in the above paragraphs.

26. The substantial question of law as to whether quashing of non-compoundable offence on the basis of a compromise/settlement of the dispute between the parties would be permissible and would not amount to overreaching the provisions of Section 320 of Cr.P.C was referred to the Hon'ble Supreme Court in the case of *Gian Singh vs State of Punjab (Supra)* and in the said case, the Hon'ble Supreme Court has held that a non-compoundable offence can also be quashed under Section 482 of Cr.P.C. on the ground of a settlement between the offender and the victim. It is further made clear that though, quashing a non-compoundable offence under Section 482 of Cr.P.C, following a settlement between the parties, would not amount to circumvention of the provisions of Section 320 of the Code, the exercise of the power under Section 482 will always depend on the facts of each case. Furthermore, in the exercise of such power, the note of caution sounded in *Gian Singh vs state of Punjab (Supra)* (para 61) must be kept in mind.

CONCLUSION

27. In the instant case, the petitioners are charged for offence punishable under Sections 376/364A/365/366/328/323/354A/506/509/34 IPC which are in the nature of heinous crime. It is also noted that the compromise/settlement agreement which is appended as annexure A3 in the petition is only between the petitioner no.1, respondent no. 2 and her father but not between all the parties. The allegations made in the FIR are also of very serious nature. Therefore, merely reaching on the compromise or settling the disputes cannot be a ground for the quashing of the FIR in such heinous offences as per the principle laid down by

several pronouncements of the Hon'ble Supreme Court as discussed above and the principle laid down by the larger Bench of the Hon'ble Supreme Court in the case of *Gian Singh vs State of Punjab (Supra)*.

28. The aforesaid principle of law laid down in the case of *Gian Singh vs State of Punjab (Supra)* may now be applied to the facts of the present case. At the very outset, a detailed narration of the charges against the accused petitioners have been made. The petitioners have been charged for offences punishable under Sections 376/364A/365/366/328/323/354A/506/509/34 IPC. Upon careful consideration of the facts of the case, the offences are certainly heinous and not private in nature. In the totality of the facts stated above, this Court is taking a view that the exclusion spelt out in paragraph 61 of *Gian Singh vs State of Punjab (Supra)* applies to the present case and on that basis, this Court has come to the conclusion that the power of Section 482 of Cr.P.C may be exercised to quash the criminal case against the accused persons.

29. This Court does not find any justification in the arguments as advanced by learned counsel appearing on behalf of the petitioners and the contentions made in the petition. Therefore, the instant petition is devoid by any merits and is hereby dismissed.

30. Pending application, if any, also stands disposed of.

31. The judgment be uploaded on the website forthwith.

(CHANDRA DHARI SINGH)
JUDGE

November 25, 2021
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