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

+ **CRL.M.C. 2776/2016**

SUSHIL KUMAR @ SHEEL

..... Petitioner

Represented by: Mr. Roopansh Purohit, Mr.
Anil Kr. Adlania, Ms. Preeti,
Advts.

versus

STATE (GOVT OF NCT OF DELHI) & ORS

..... Respondent

Represented by: Ms. Rajni Gupta, APP with SI
Manmeet Singh, ASI Hari
Bhushan, PS Patel Nagar.
Mr. Bharat Singh Sisodia, Adv.
for R-2 to 6.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

05.12.2016

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By the present petition the petitioner seeks quashing of FIR No. 398/2011 under Sections 323/341/308/34 IPC registered at PS Patel Nagar, Delhi on the complaint of Respondent No.2 and the proceedings pursuant thereto on the ground that the parties have settled the matter.

Learned APP for the State on instructions from Investigating Officer submits that in the above-noted FIR besides the petitioner there were two other assailants who are unidentified and respondent No.2 is the
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complainant/ victim whereas respondent Nos.3 to 6 are the other victims. A perusal of the status report reveals that in the FIR though the petitioner was named, however the two other assailants were not named. Learned APP for the State submits that within four days of the registration of FIR the parties settled the matter and till date the two other co-accused involved have not been found out as the complainant/ victim have neither given their description nor their names or other identification particulars. Status report is taken on record.

Respondents No. 2 to 6 are present in Court and are identified by the learned counsel and the Investigating Officer. They state that they have settled the matter with the petitioner and are not in a position to identify the two other assailants and do not wish to pursue the above-noted FIR either against the petitioner or the two unidentified assailants.

Petitioner who is present in Court and is identified by the learned counsel affirm the statement of respondent Nos. 2 to 6.

There is no legal impediment in quashing the FIR as the injuries to four of the victims was simple in nature and with regard to the fifth victim though the MLC of Jubaida Khatun was prepared however no opinion has been rendered. In any case the injuries are not grievous in nature. Considering the fact that parties have settled the matter, no useful purpose would be served in continuing with the trial.

Consequently, FIR No. 398/2011 under Sections 323/341/308/34 IPC registered at PS Patel Nagar, Delhi and proceedings pursuant thereto are hereby quashed.

Parties have signed this order sheet in acknowledgment of their statements made before this Court.

The petition is disposed of. Order dasti.

MUKTA GUPTA, J.

DECEMBER 05, 2016
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