$~13

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

\+ CRL.M.C. 432/2017

VIJAY KUMAR GUPTA & ORS ..... Petitioners
Through Mr. Kanwar Kochhar, Adv.

versus

THE STATE (GOVT. OF NCT OF DELHI) & ORS ..... Respondents
Through Ms. Manjeet Arya, APP with ASI Hanumant Singh, P.S. Adarsh Nagar for the State
Respondent no. 2 in person

CORAM:
HON'BLE MR. JUSTICE A.K. PATHAK

O R D E R

% **20.11.2017**

Station House Officer, Police Station Adarsh Nagar has reported that respondent no. 3 Rajesh could not be traced out despite best efforts. Respondent no. 2 (complainant) is present in Court and has been identified by ASI Manumant Singh of Police Station Adarsh Nagar. Respondent no. 2 says that Rajesh was his customer and used to come to his shop at the relevant time. He is not in touch with Rajesh for the last 7 to 8 years. Respondent no. 3 had sustained simple injuries in the incident. Respondent no. 2 is the complainant and had sustained grievous injuries in the incident.

It is submitted that petitioners (accused) and private respondent (injured) have settled their disputes amicably, therefore, FIR No. 347/2007 under Sections 325/323/34 IPC registered at Police Station Adarsh Nagar and the consequent proceedings emanating therefrom may be quashed. Respondent no. 2 (complainant) submits that he has settled the matter with the petitioners of his own free will and without any undue force, pressure or coercion. Affidavit of respondent no. 2 is also on record, which shows that respondent no. 2 has already paid ₹2,00,000/- to the petitioner no. 1 towards settled amount. A perusal of para 3 of the affidavit shows that some civil disputes were also pending between the petitioner no. 1 and respondent no. 2, wherein a settlement was arrived at. Para 3 of the affidavit reads as under:-

> "3. That the civil case bearing CS No. 365/14/06 (New No. 54283/16, Ex. No. 33/16) FILED BY Mr. Vijay Kumar Gupta also stands withdrawn consequent to the settlement arrived at between the parties during execution proceedings. The deponent made a voluntary statement dated 27.05.2016 before the Hon'ble Court of Sh. Sidharth Mathur, Ld. SCJ-cum-RC (North), Rohini Courts, Delhi; wherein the deponent undertook to withdraw the instant criminal case and paid the

settlement amount of Rs.2,00,000/- to Sh. Vijay Gupta on 19.08.2016 before the Hon'ble Court."

Respondent no. 2 further submits that he is not willing to pursue the FIR any further and the same may be quashed.

Keeping in view the facts and circumstances of the case, as detailed above, in the interest of justice, FIR No.347/2007 under Sections 325/323/34 IPC registered at police station Adarsh Nagar and the consequent proceedings emanating therefrom are quashed.

Petition is disposed of in the above terms.

Dasti.

A.K. PATHAK, J.

NOVEMBER 20, 2017
r.bararia