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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 2642/2016**
ANAND & ORS

..... Petitioner

Through Mr. Nitin Jain, Advocate.

versus

STATE (GOVT OF NCT)

..... Respondent

Through Mr. Panna Lal, APP for the State.
ASI Ashish Kumar, PS Bhajanpura

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

% **05.12.2017**

Vide the present petition, the petitioners seek quashing FIR No. 453/2008 under Sections 452/323/34 IPC, 1860, Police Station Bhajanpura submitting to the effect that a settlement has been arrived at between the petitioners and the respondent no.2 in relation to which a Memorandum of Understanding dated 22.05.2016 was also executed between the parties. The Investigating Officer has identified the petitioners and the respondent no.2 on the basis of documents produced by them in respect of their identities. Copy of the Aadhar Card of respondent no.2 is on the record which is Ex. CW1/A. Respondent no.2 has affirmed before the Court, the existence of the settlement arrived at between the petitioners and himself vide Memorandum of Understanding dated 22.05.2016 on which he has stated he has signed on each page at point A thereof on Ex. CW2/A. He has further stated to the effect that all the disputes between him and the petitioners have been amicably resolved and that he does not seek to pursue any further proceedings against

the petitioners in relation to the FIR in question and does not oppose the prayer of the petitioners seeking quashing of the FIR No. 453/2008 under Sections 452/323/34 IPC, 1860, Police Station Bhajanpura.

On behalf of the State also there is no opposition to the prayer made by the petitioners in view of the settlement arrived at between the parties. Placed on record is also Status Report dated 21.04.2017 of the SHO PS Bhajanpura verifying the factum of settlement between the petitioners and the respondent no.2.

Having taken into consideration the facts and circumstances of the case and the factum that a settlement has been arrived at between the petitioners and respondent no.2 and as there appears no reason to disbelieve the statement of the respondent no.2 that a settlement had been arrived at between the petitioners and him who reside above his shop which he has purchased from the petitioners, voluntarily, without any coercion from any quarter, it is considered appropriate to allow the prayer made by the petitioner seeking quashing of the FIR No. 453/2008 under Sections 452/323/34 IPC, 1860, Police Station Bhajanpura and all the proceedings emanating therefrom, which are all thus, accordingly quashed.

The petition is disposed of accordingly.

Copy of this order be given Dasti.

ANU MALHOTRA, J

DECEMBER 05, 2017

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IN THE HIGH COURT OF DELHI: NEW DELHI

Item No. 89

Crl. M.C. 2642/2016

ANAND & ANR vs. STATE & ANR.

05.12.2017

**CW-2 STATEMENT OF RESPONDENT NO.2 DEVENDER SINGH
S/O SHRI RAMPHAL SINGH, AGED 43, R/O H.NO.C-381/1,
STREET NO.16, NEAR SHYAM LAL KI CHAKKI , BHAJANPURA
DELHI-110053**

On S.A.

The Memo Of Understanding dated 22.05.2016, bears my signatures thereon on each page at point A and is marked as Ex. CW2/A which I have signed voluntarily of my own accord without any duress, coercion or pressure from any quarter. A sum of Rs. 20,000/- has been received by me from the petitioners and all disputes between me and the petitioner nos. 1 and 2 Mr. Anand Gupta, S/o Sh. Gaya Lal Gupta and Mr. Narendra Gupta, S/o G.P. Gupta have been resolved. The petitioner nos. 1 and 2 reside above my shop which I have purchased from them.

I do not oppose the prayer made by the petitioner Nos.1 & 2 seeking quashing of FIR No. 453/2008 under Sections 452/323/34 IPC, 1860, Police Station Bhajanpura.

I have made this statement voluntarily of my own accord without any duress, coercion or pressure from any quarter.

**RO & AC
05.12.2017**

ANU MALHOTRA, J

IN THE HIGH COURT OF DELHI: NEW DELHI

Item No. 89

Crl. M.C. 2642/2016

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05.12.2017

**CW-1 STATEMENT OF ASI ASHISH KUKMAR, POLICE STATION
BHAJAN PURA, DELHI.**

On S.A.

I identify the petitioners No.1 and 2, *namely*, Anand Gupta and Narendra Gupta and respondent No.2 namely Devender Singh the complainant of the FIR No. 453/2008 under Sections 452/323/34 IPC, 1860, Police Station Bhajanpura present in the Court today on the basis of their documents of identification. Petitioner No.1 has brought his original Aadhar card, petitioner No.2 has brought his original PAN Card and respondent No.2 has brought his original Aadhar Card (originals seen and returned) and the photocopies thereof be filed on the record.

**RO & AC
05.12.2017**

ANU MALHOTRA, J