

4# \$~

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

+ **W.P.(CRL) 2867/2016**

VINAY KUMAR SHARMA & ORS

..... Petitioners

Represented by: Ms. Ruchi Jain, Advocate with
Petitioner Nos. 2, 3, 5, 6 and 7
in person.
Special Power of Attorneys of
petitioner Nos. 1, 4 and 8 in
person.

versus

STATE OF NCT OF DELHI & ANR

..... Respondents

Represented by: Ms. Kamna Vohra, Additional
Standing Counsel for the State
with SI Anjana Kumari, PS
CAW Cell, South District.
Respondent No.2 in person.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

12.05.2017

%

By the present petition the petitioners seek quashing of FIR No. 399/2015 under Sections 354B/323/506/509/34 IPC registered at PS Hauz Khas, Delhi on the complaint of Respondent No.2 and the proceedings pursuant thereto on the ground that the parties have settled the matter.

Initially seven petitioners were arrayed however, learned Additional Standing Counsel for the State pointed out that besides the seven petitioners,

W.P.(CRL) 2867/2016

Page 1 of 4

one more accused, that is, Manoj Kumar Pandey was also involved and thus amended memo of parties has been filed.

Amended memo of parties is taken on record along with the affidavit of the newly added petitioner No.8.

Learned Additional Standing Counsel for the State on instructions from the Investigating Officer states that in the above noted FIR eight petitioners, impleaded as per the amended memo of parties are the only accused and the respondent No.2 the complainant/victim.

Respondent No.2 who is present in Court and is identified by the Investigating Officer states that she has settled the matter with the petitioners vide Memorandum of Settlement dated 1st September, 2016, copy whereof is annexed as Annexure-P10 to the present petition at pages 43-50. She states that since she has settled the matter with the petitioners, she does not wish to pursue the above noted FIR and the proceedings pursuant thereto. She further states that the settlement of this FIR will have no bearing on FIR No. 947/2014 registered at PS Hauz Khas, New Delhi under Sections 376/506 IPC against the petitioner No.8 herein.

Petitioner Nos. 2, 3, 5, 6 and 7 are present in Court and are identified by learned counsel. Petitioner No.1 Vinay Kumar Sharma, has executed a Special Power of Attorney in favour of Mr. Mukesh Singh, whereas petitioner Nos. 4 and 8, that is, Prem Shankar and Manoj Kumar Pandey, have executed a Special Power of Attorney in favour of Mr. R.S. Rawat, Chief Security Officer, AIIMS. Special Power of Attorney of Petitioner No.8 in favour of R.S. Rawat, is placed on record whereas Special Power of Attorney of petitioner No.1 Vinay Kumar Sharma in favour of Mukesh

W.P.(CRL) 2867/2016

Singh has been handed over in Court, which is taken on record. Special Power of Attorney in favour of R.S. Rawat executed by petitioner No.4 Prem Shankar has been placed on record in Crl. M.C. No. 3660/2016, photocopy whereof is taken on record in the present petition.

Petitioner Nos. 2, 3, 5, 6 and 7 and Petitioner No.1, 4, and 8 through their Special Power of Attorneys affirm the statement of respondent No. 2 and undertake to abide by the terms of the Memorandum of Settlement dated 1st September, 2016 arrived at between the parties.

Since petitioners and the respondent No.2 are students pursuing their career, the incident took place in the heat of the moment and that they have finally settled the matter of their own free will, volition and without any coercion and no useful purpose will be served in continuance of the proceedings. It would be in the interest of justice to quash the abovementioned FIR and the proceedings pursuant thereto. There is no legal impediment in quashing the FIR in question.

Consequently, FIR No. 399/2015 under Sections 354B/323/506/509/34 IPC registered at PS Hauz Khas, Delhi and proceedings pursuant thereto are hereby quashed.

Petitioner Nos. 2, 3, 5, 6 and 7, Mr. Mukesh Singh and Mr. R.S. Rawat, Special Power of Attorneys of petitioner Nos. 1, 4 and 8 and the respondent No.2 have signed the order sheet in acknowledgment of their statements made before this Court.

Petition is disposed of. Order dasti.

MUKTA GUPTA, J.

MAY 12, 2017/‘vn’