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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 4261/2016**
BIJENDER SINGH & ANR Petitioner
Through Ms. Ruhi Saxena, Adv. with P1 & P2
in person.
versus

STATE (NCT OF DELHI) & ANR Respondent
Through Mr. Izhar Ahmad, APP for State with
SI Jagmohan, PS Chhawla.
R2 in person.

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA
ORDER
% **05.12.2017**

Vide the present petition the petitioner no. 1 Bijender Singh s/o Sh. Mangal Singh and petitioner no. 2 Anil Kumar s/o Sh. Bijender Singh seeks the quashing of the FIR No. 145/2012, registered at Chhawla, under Sections 380/448/411/506 of the Indian Penal Code, 1860 submitting to the effect that pursuant to the mediation proceedings in the FIR No. 145/2012, registered at Chhawla, under Sections 380/448/411/506 of the Indian Penal Code, 1860, a Mediation Settlement dated 28.03.2016 has been arrived at between the respondent no. 2 and the petitioner no. 1 Bijender Singh s/o Sh. Mangal Singh and petitioner no. 2 Anil Kumar s/o Sh. Bijender Singh as Ex.CW2/B, which the respondent no. 2 has signed voluntarily of her own accord without any duress or coercion from any quarter.

The Investigating Officer has identified the petitioner no. 1 Bijender

Singh s/o Sh. Mangal Singh and petitioner no. 2 Anil Kumar s/o Sh. Bijender Singh as being the accused in relation to the FIR No. 145/2012, registered at Chhawla, under Sections 380/448/411/506 of the Indian Penal Code, 1860. He has also identified respondent no. 2 Ashok Chauhan s/o Sh. Pheru Singh present today in the court i.e. the complainant of the FIR No. 145/2012, registered at Chhawla, under Sections 380/448/411/506 of the Indian Penal Code, 1860. Photocopies of the proof of identity in the form of Aadhar cards of the petitioners no. 1 & 2 and the respondent no. 2 are Ex. CW1/A to Ex. CW1/C respectively.

The respondent no. 2 Ashok Chauhan s/o Sh. Pheru Singh present today in the court i.e. the complainant of the FIR No. 145/2012, registered at Chhawla, under Sections 380/448/411/506 of the Indian Penal Code, 1860 has testified that his affidavit dated 01.10.2016 annexed to the petition bears his signature thereon at points-A and B on Ex.CW2/A, which he has signed voluntarily of his own accord without any duress or coercion from any quarter and he has no opposition to the quashing of the FIR No. 145/2012, registered at Chhawla, under Sections 380/448/411/506 of the Indian Penal Code, 1860 pursuant to the mediation proceedings in the FIR No. 145/2012, registered at Chhawla, under Sections 380/448/411/506 of the Indian Penal Code, 1860 and that a Mediation Settlement dated 28.03.2016 has been arrived at between him and the petitioner no. 1 Bijender Singh s/o Sh. Mangal Singh and petitioner no. 2 Anil Kumar s/o Sh. Bijender Singh as Ex.CW2/B which he has signed voluntarily of his own accord without any duress or coercion from any quarter. The respondent no. 2 has further testified that pursuant to the said settlement agreement, he has received a

total sum of Rs.2 lacs from the petitioners and thus he does not oppose the prayer made by petitioners in the petition seeking quashing of the FIR No. 145/2012, registered at Chhawla, under Sections 380/448/411/506 of the Indian Penal Code, 1860 and he does not seek that the petitioners be punished in relation to the FIR No. 145/2012, registered at Chhawla, under Sections 380/448/411/506 of the Indian Penal Code, 1860.

Learned APP for the State also in the circumstances of the case does not oppose the prayer made by the petitioners seeking quashing of the FIR No. 145/2012, registered at Chhawla, under Sections 380/448/411/506 of the Indian Penal Code, 1860.

Taking into account the statement made by the respondent no. 2 Ashok Chauhan s/o Sh. Pheru Singh present today in the court i.e. the complainant of the FIR No. 145/2012, registered at Chhawla, under Sections 380/448/411/506 of the Indian Penal Code, 1860 and the factum that a Mediation Settlement dated 28.03.2016 has been arrived at between the respondent no. 2 and the petitioner no. 1 Bijender Singh s/o Sh. Mangal Singh and petitioner no. 2 Anil Kumar s/o Sh. Bijender Singh as Ex.CW2/B which the respondent no.2 has signed voluntarily of his own accord without any duress or coercion from any quarter and that the respondent no. 2 has further testified that pursuant to the said settlement agreement, he has received a total sum of Rs.2 lacs from the petitioners and that he does not oppose the prayer made by petitioners in the petition seeking quashing of the FIR No. 145/2012, registered at Chhawla, under Sections 380/448/411/506 of the Indian Penal Code, 1860 and that he does not seek that the petitioners be punished in relation to the FIR No. 145/2012, registered at Chhawla,

under Sections 380/448/411/506 of the Indian Penal Code, 1860, it is thus considered appropriate in the interest of justice that the prayer made by the petitioners seeking quashing of the FIR No. 145/2012, registered at Chhawla, under Sections 380/448/411/506 of the Indian Penal Code, 1860 and all consequential proceedings emanating therefrom is allowed against the petitioner no. 1 Bijender Singh s/o Sh. Mangal Singh and petitioner no. 2 Anil Kumar s/o Sh. Bijender Singh, which is thus accordingly allowed, and the FIR No. 145/2012, registered at Chhawla, under Sections 380/448/411/506 of the Indian Penal Code, 1860 and all consequential proceedings emanating therefore are quashed.

The petition is disposed of.

ANU MALHOTRA, J

DECEMBER 05, 2017/MK