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

+ CRL.M.C. 4094/2017 & Crl. M.A. No. 16429/2017

SUNIL MALHOTRA & ORS

..... Petitioners

Through Mr. Rakesh Chahar, Adv.

Versus

THE STATE & ANR

..... Respondents

Through Mr. G.M. Farooqui, APP with ASI
Satyabir Singh, P.S. Mianwali Nagar
for the State
Mr. Sandeep, Adv. with respondent
no. 2 in person

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

% **15.11.2017**

FIR No. 385/2017 under Sections 452/323/506/34 IPC was registered at Police Station Mianwali Nagar on the complaint of respondent no. 2. Respondent no. 2 alleged in the FIR that he was appointed as Chowkidar by one Shri Joginder Singh Sethi (General Power of Attorney of Shri Vinod Kumar Gosain) to look after the vacant plot no. 87, Bahra Enclave, Paschim Vihar, New Delhi. On 13th September, 2017 petitioners forcibly entered in the said plot and beat him up. They broke the door of front room and also

the boundary wall. It is further submitted that petitioners and respondent no. 2 have settled their disputes amicably, therefore, aforesaid FIR may be quashed. Respondent no. 2 is present in Court along with his counsel and has been identified by ASI Satyabir Singh of police station Mianwali Nagar. Respondent no. 2 says that he has settled the matter with petitioners of his own free will, voluntarily and without any undue force, pressure or coercion and has no objection in case FIR is quashed.

Learned APP has produced investigation file, which contains statements of Vinod Kumar Gosain and Joginder Singh Sethi, recorded under Section 161 Cr.P.C. Shri Vinod Kumar Gosain has stated in his statement that he was owner of the plot and he had given a Power of Attorney on 19th September, 2000 in favour of Shri Joginder Singh Sethi, who had kept the respondent no. 2 as Chowkidar. Respondent no. 2 was living in the said plot. He has further stated that subsequently, Shri Joginder Singh Sethi showed his inability to act as an attorney in view of the old age; accordingly, Power of Attorney in his favour was cancelled and a fresh General Power of Attorney was executed in favour of the petitioner no. 1. Shri Joginder Singh Sethi has also confirmed this fact in his statement.

Keeping in view the facts and circumstances, as detailed above, in the

interest of justice, FIR No.385/2017 under Sections 452/323/506/34 IPC registered at Police Station Mianwali Nagar and the consequent proceedings emanating therefrom are quashed, in view of the settlement arrived at between the petitioners and the complainant, that is, respondent no. 2.

Petition is disposed of in the above terms. Miscellaneous application is disposed of as infructuous. Dasti.

A.K. PATHAK, J.

NOVEMBER 15, 2017

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