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

+ CRL.M.C. 4471/2017

ANIL KUMAR

..... Petitioner

Through: Mr. Brajesh Pandey with Ms. Sudha
Rani Saxena, Advocates along with
Petitioner in person.

versus

THE STATE OF NCT OF DELHI & ANR

..... Respondents

Through: Mr. Raghuvinder Varma, APP for
State
R-2, present in person.
ASI, Gurumukh Singh, PS:Sector-23,
Dwarka

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

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06.12.2017

Learned counsel for the petitioner, learned APP for the State & ASI Gurumukh Singh, IO, PS: Sector -23, Dwarka are present in Court. The complainant of the FIR No. 209/2011 registered under Sections 380/457/511 of IPC, 1860 at PS Dabri is present in Court.

Vide the present petition, the petitioner seeks quashing of FIR No. 209/2011 registered under Sections 380/457/511 IPC, 1860 to the effect that the settlement has been arrived at between the petitioner and respondent no. 2. The I.O. has identified both the petitioner and the respondent no.2 whose original Aadhar cards have been produced. Photocopies are placed on record as Ex. CW-1/A and CW-1/B. The signatures dated 2.5.2016 attested on 2.5.2016 are Ex. CW-2/A with

the signatures at point A.

He has further stated that he has arrived at a settlement voluntarily without any duress, threat, pressure and coercion. He further states that he does not oppose the prayer made by the petitioner seeking quashing of the FIR No. 209/2011 registered under sections 380/457/511 of IPC, 1860.

There appears no reason to disbelieve the statement by the respondent no. 2 that they have arrived at a settlement between the petitioner and the respondent no. 2.

Learned APP also in the circumstances does not oppose the prayer as the litigation has been pending under Sections 380/457/511 IPC since 2011 qua a theft in relation to which the complainant does not wish to pursue the proceedings any further, as the parties have settled the matter, the prayer seeking quashing of FIR No. 209/2011 under Sections 380/457/511 IPC is allowed and all the proceedings emanating there from are quashed so that peace and harmony between the petitioner and respondent no.2 is restored.

The petition is allowed accordingly.

ANU MALHOTRA, J.

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06.12.2017

**STATEMENT OF ASI GURUMUKH SINGH, P.S. SECTOR 23,
DWARKA, ON S.A.**

I identify the petitioner- Anil Kumar and respondent no.2- Rajendra Prasad, who are present in Court. Anil Kumar is the accused and Rajendra Prasad, is the complainant in FIR No. 209/2011 , PS Dabri, present today in Court. Photocopy of the Aadhar card of the petitioner and the respondent no. 2 are on record as Ex. CW-1/A and CW-1/B (original seen and returned).

R.O. & A C.

DECEMBER 6, 2017

ANU MALHOTRA, J.

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**STATEMENT OF RAJENDRA PRASAD, S/O. TARA CHAND, AGED
47 YEARS, R/O. RZ-98 A, DABRI EXT, NEW DELHI, on S.A.**

The settlement document dated 2.5.2016 in original bears the signatures thereon and bears my signatures at point A which is Ex. CW-2/A and CW-2/B, are taken on record. Photocopy of the same has been taken on record as the photocopy which is placed on record does not bear the legible signatures of the complainant.

I do not seek to pursue the proceedings in relation to FIR No. 209/2011 filed under Sections 380/457/511 IPC, 1860, in relation to the theft in my shop against the petitioner Anil Kumar, any further.

I have arrived at the settlement between the petitioner - Anil Kumar voluntarily without any duress, threat, pressure and coercion and I do not oppose the prayer made by the petitioner seeking quashing of FIR No. 209/2011 registered under Sections 380/457/511 IPC, 1860, at PS Dabri and all the consequential proceedings emanating therefrom.

R.O. & A C.

DECEMBER 6, 2017

ANU MALHOTRA, J.