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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 4450/2017**

RAJNEESH @ LEELU DHAKA Petitioner
Through: Mr.Kartik Bhardwaj, Advocate

versus

THE STATE GOVT OF NCT OF DELHI & ANR Respondents
Through: Mr.Raghuvinder Varma, APP for
State with W/SI Koyal, PS Nihal
Vihar.

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER
% **02.11.2017**

By the present petition, the petitioner seeks quashing of FIR No.1105/2015 under Section 324 IPC, Police Station Nihal Vihar lodged on the complaint of the complainant, who is present in the Court as respondent No.2 submitting *inter alia* to the effect that a settlement has been arrived at between the parties.

The Investigating Officer has identified both the petitioner and the complainant/respondent No.2 present in Court today.

The proceedings dated 27.11.2015 in Bail Appln. No.8902 in relation to FIR No.1105/2015, under Section 324 IPC, PS Nihal Vihar indicate that the settlement has been arrived at between the parties and a sum of Rs.40,000/- towards compensation qua the injuries sustained by the respondent No.2 has been paid by the petitioner to the respondent No.2. The Memorandum of Understanding is stated

to have been placed in the Court of the learned ASJ, (SFTC)-01, West, Tis Hazari Courts, Delhi. The respondent No.2 in his statement has also submitted that he has arrived at a settlement of his own accord and without any pressure or coercion from any quarter and thus he does not oppose the quashing of FIR.

Learned APP for the State in the circumstances also does not oppose the prayer made by the petitioner.

Taking into account the averments made in the petition to the effect that the incident had taken place due to a misunderstanding and the submission made by the respondent No.2 that he does not seek to continue with these proceedings further, in the interest of justice, the FIR No. 1105/2015 under Section 324 IPC, Police Station Nihal Vihar since converted to be under Section 326 of the IPC, 1860, and all other proceedings emanating from the said FIR are quashed.

The petition is disposed of accordingly.

ANU MALHOTRA, J

NOVEMBER 02, 2017/sv

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**CW-1 STATEMENT OF THE INVESTIGATING OFFICER W/SI
KOYAL, POLICE STATION NIHAL VIHAR, No.5254/D, DATED
02.11.2017**

On S.A.

I identify the complainant Naresh Sahni of the FIR No.1105/15 under Section 324, IPC 1860, registered at PS Nihal Vihar and then converted to Section 326, IPC 1860, who is present in the Court today.

ANU MALHOTRA, J.

RO & AC

Crl.M.C. 4450/2017

CW-2 STATEMENT OF MR.NARESH SAHNI S/O SH.VILAS SAHNI, AGED 34 YEARS, R/O SONIA VIHAR, DELHI ALSO AT DISTRICT DARBHANGA, BIHAR, DATED 2.11.2017

On S.A.

I have brought my original Aadhaar Card bearing No. 592596865535.

I have since arrived at a settlement with the Petitioner Rajnish s/o Rajender Singh, R/o H. No.21, Village Kamruddin Nagar, Nangli, West Delhi, Delhi, who is present in the Court today in relation to FIR No.1105/15, under section 324 IPC, 1860, registered at Police Station Nihal Vihar, New Delhi, then modified to be under Section 326 IPC, 1860 in relation to which the settlement was arrived at during the proceedings dated 27.11.2015 before the Court of the learned ASJ, (SFTC)-01, West, Tis Hazari Courts, Delhi. A sum of Rs.40,000/- was paid to me by the petitioner Rajnish in relation to the injuries sustained by me and I have no opposition to the prayer seeking the compounding of the case in view of the settlement that has been arrived at between me and the petitioner.

I have no opposition to the quashing of the FIR No.1105/15, Police Station Nihal Vihar, under Section 326 IPC, 1860, against the petitioner.

I have made the statement voluntarily of my own accord without any pressure or coercion from any quarter

ANU MALHOTRA, J.

RO & AC