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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 4726/2017 and CrI.M.A. 18836/2017**

HEMANT SIDHARTH & ANR. Petitioners
Through: Mr.Abdul Gaffar, Advocate

versus

STATE OF NCT OF DELHI & ANR. Respondents
Through: Mr. Panna Lal Sharma, APP for State
with SI Praveen Kumar Police Station
Mandawali
Mr.Yogesh Swaroop Advocate for R-
2 with R-2 in person.

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER
% **13.12.2017**

The Investigating Officer of the case is present and has duly identified the petitioners No.1 and 2, *namely*, Hemant Sidharth and Rajesh Bhatia as being the only accused and the respondent No.2 Samardeep Singh, the complainant of the FIR No.569/2010, under Sections 435/34 Indian Penal Code, 1860, Police Station Mandawali. The petitioners No.1 and 2 have produced proof of their identity in the form of the original Aadhaar Cards of the petitioner No.1 No. bearing No.209977060915 as Ex.CW-1/A, Election Commission Identity Card of the Petitioner No.2 bearing No.BQF1640820 as Ex.CW-1/B, and original Aadhar Card of the respondent No.2 bearing No.992747982672 being Ex.CW-1/C.

The respondent No.2 in his statement on oath on examination

by the Court has affirmed to have signed the Memorandum of understanding/settlement deed dated 3.10.2017 at point A on Ex.CW-2/A voluntarily of his own accord without any duress, pressure or coercion from any quarter in view of the settlement arrived at between the petitioners and the respondent No.2 whereby the petitioner No.1 has agreed to assist the respondent No.2 in quashing the FIR No. 132/2011 under Sections 323/327/379/411/34 of IPC 1860, PS Pandav Nagar which had been got registered out of a misunderstanding and that he does not seek that the petitioners be punished in relation to the commission of the offences under sections 435/34 Indian Penal Code, 1860 any further. The respondent No.2 has further testified to the effect that he does not oppose the prayer made by the petitioners and having signed the settlement deed dated 3.10.2017 of his own accord without any duress, pressure or coercion from any quarter.

The State also does not oppose the prayer made by the petitioner seeking quashing of the above stated FIR in the circumstances.

Apparently the respondent No.2 and the petitioners are residing in the same locality and taking into account the settlement arrived at between the petitioners and the respondent No.2, there appears no reason to disbelieve the statement made by the respondent No.2 that he has arrived at a settlement with the petitioners voluntarily of his own accord without any duress, pressure or coercion from any quarter and the factum that the petitioner No.1 has also undertaken to assist in getting the proceedings in relation to the FIR No. 132/2011 under

Sections 323/327/379/411/34 of IPC 1860, PS Pandav Nagar against the respondent No.2 quashed and it is considered appropriate to maintain peace and harmony between the parties and to put a quietus to the litigation between the petitioners and the respondent No.2, the petition is allowed and the FIR No.569/2010, under Sections 435/34 Indian Penal Code, 1860, Police Station Mandawali and all proceedings emanating therefrom are quashed.

The petition is disposed of.

ANU MALHOTRA, J

DECEMBER 13, 2017/sv

IN THE HIGH COURT OF DELHI: NEW DELHI

Item No. 12

Crl. M.C. 4726/2017

HEMANT SIDHARTH & ANR. Vs. STATE & ANR.

13.12.2017

**CW-1 SI PRAVEEN KUMAR POLICE STATION MANDAWALI
ON S.A.**

I identify both the petitioners No.1 and 2, *namely*, Hemant Sidharth and Rajesh Bhatia as being the only accused and the respondent No.2 Samardeep Singh, the complainant of the FIR No.569/2010, under Sections 435/34 Indian Penal Code, 1860, Police Station Mandawali present in the Court today. The proof of identity of the petitioners No.1 and 2 and the respondent No.2 are placed on the record. The original Aadhaar Cards of the petitioners No.1 No. bearing No.209977060915, Election Commission Identity Card of Petitioner No.2 bearing No.BQF1640820, and original Aadhar Card of the respondent No.2 bearing No.992747982672 have been produced. The photocopy of the same of the petitioners No.1 and 2 being Ex.CW-1/A and Ex.CW-1/B and of the respondent No.2 being Ex.CW-1/C respectively (Original seen & returned.).

RO & AC

13.12.2017

ANU MALHOTRA, J

IN THE HIGH COURT OF DELHI: NEW DELHI

Item No. 12

CrI. M.C. 4726/2017

HEMANT SIDHARTH & ANR. Vs. STATE & ANR.

13.12.2017

**CW-3 HEMANT SIDDHARTH S/O P.D.SHARMA AGED 29 YEARS,
R/O E-21, FIRST FLOOR, GALI NO.2 SAMASTPUR ROAD,
PANDAV NAGAR DELHI-92.**

ON S.A.

I am the complainant of the FIR No. 132/2011 under Sections 323/327/379/411/34 of IPC 1860, PS Pandav Nagar registered against the respondent No.2, Samardeep Singh. I undertake to assist in quashing of the said FIR.

**RO & AC
13.12.2017**

ANU MALHOTRA, J

IN THE HIGH COURT OF DELHI: NEW DELHI

Item No. 12

Crl. M.C. 4726/2017

HEMANT SIDHARTH & ANR. Vs. STATE & ANR.

13.12.2017

**CW-2 SAMARDEEP SINGH S/O SARDAR BHAGWAN SINGH AGED
36 YEARS, R/O SHOP PLOT No.8, D BLOCK, PANDAV NAGAR,
DELHI**

ON S.A.

Due to a misunderstanding FIR No.569/2010, under Sections 435/34 Indian Penal Code, 1860, Police Station Mandawali was got registered against the petitioners No.1 and 2, *namely*, Hemant Sidharth and Rajesh Bhatia. The matter has since been settled between me and the petitioners No.1 and 2 vide a Memorandum of Understanding/compromise deed whereby the petitioners No.1 and 2, *namely*, Hemant Sidharth and Rajesh Bhatia have agreed to assist in quashing of the FIR No. 132/2011 under Sections 323/327/379/411/34 IPC of 1860 PS Pandav Nagar registered against me and thus I do not oppose the prayer made by the petitioners NO.1 and 2 seeking quashing of the FIR No.569/2010, under Sections 435/34 Indian Penal Code, 1860, Police Station Mandawali against them. The copy of the Memorandum of Understanding/Compromise Deed bears my signatures thereon at point 'A' on EX.CW-2/A which I have signed voluntarily of my own accord without any duress or coercion from any quarter. I do not oppose the prayer made by the petitioners No.1 and 2, *namely*, Hemant Sidharth and Rajesh Bhatia seeking quashing of the FIR No.569/2010, under Sections 435/34 Indian Penal Code, 1860, Police Station Mandawali. I do not seek that they be punished in relation to the said FIR. I have made my statement voluntarily of my own accord without any duress or coercion from any quarter.

RO & AC

ANU MALHOTRA, J