

\$~63

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 4695/2017**

NITIN KUMAR

..... Petitioner

Through: Mr. Chetna Chhikara, Advocate.

versus

THE STATE GOVT OF NCT OF DELHI & ORS Respondents

Through: Mr. Izhar Ahmad, APP for State with
ASI Mahender Singh, PS Janak Puri
Respondent No.2 in person as also
for respondent No.3 (Minor) being his
natural guardian and mother.

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

% **15.11.2017**

Crl. M.A. No. 18688/2017

Exemption allowed, subject to just exceptions.

Crl. M.C. No. 4695/2017

Vide the present petition the petitioner seeks the quashing of the FIR No. 1390/2015 under Section 279/337 IPC, PS- Janakpuri submitting to the effect that a settlement has been arrived at between the parties. The petitioner is present in person and respondent No.2 is also present in person having been duly identified by the ASI Mahender Singh of PS-Janakpuri. The respondent No.2 has also brought her original Aadhar Card, the photocopy of which is on the record. The statement of the Investigating Officer identifying the petitioner and the respondent No.2 has also been recorded.

The statement of respondent No.2 Smt.Sangini Singh W/O

Sanjay Kumar Singh has also been recorded whereby she has stated that she does not oppose the quashing of the FIR No.1390/15 under Section 279 of the IPC 1860, Police Station Janak Puri and she does not seek the continuance of the proceedings any further against the petitioner and she has also stated to the effect that the amount awarded by the learned Motor Accident Claims Tribunal-02, West District, Tis Hazari Courts, Delhi a sum of Rs. 20,000/- in favour of R-3 Mayank Singh and an amount of Rs. 9,75,000/- in her favour for injuries sustained by her, by the said MACT-02, has already been received by her. She has further testified by her to the effect that an amount of Rs.65,000/- in terms of the mediation settlement dated 22.07.2017 as per the settlement arrived at the Mediation Centre, Dwarka Courts, New Delhi has already been received by her. It has also been testified to the effect that in terms of the Mediation Centre order dated 22.07.2017 Ex. CW-2/B Section 337/338 of IPC have since been compounded and the petitioner has already been acquitted. She has further testified to the effect that she does not oppose the prayer seeking quashing of the said FIR and all the proceedings emanating therefrom.

Vide the present petition, the petitioner submits that the petitioner having been acquitted for the offences punishable u/s 337/338 of IPC, the continuation of the trial under Section 279 IPC would be vexing the accused twice.

Learned APP for the State does not oppose the prayer seeking quashing of the FIR No.1390/15 under Section 279 of the IPC 1860, Police Station Janak Puri in the circumstances of the case.

Taking into account that offences punishable under Section 337/338 of IPC of the FIR No. 1390/2015 PS Janakpuri are stated to have been already compounded, the amount awarded by the MACT-02, West District, Tees Hazari Courts, Delhi of Rs. 20,000/- in favour of respondent No.3 minor child and the amount of Rs.9,75,000/- in relation to the injuries sustained by the respondent No. 3 has already been paid by the petitioner to respondents No.2 and 3 and the factum that the amount of Rs. 65,000/- in terms of the mediation settlement dated 22.07.2017(the certified copy of which Ex. CW2/B) has also already been paid by the petitioner to the respondent No.2 for herself and on behalf of respondent No.3, Mayank Singh, the petitioner having been already acquitted in relation to offences punishable u/s 337/338 of IPC, it is considered appropriate in the facts and circumstances of the case to put a quietus to the proceedings, and thus the application seeking quashing of the FIR 1390/2015 PS Janakpuri u/s 279 of the IPC and proceedings emanating therefrom is allowed and thus the said FIR No. 1390/2015 under Section 279/337 IPC, PS- Janakpuri and all proceedings emanating therefrom are accordingly quashed.

ANU MALHOTRA, J

NOVEMBER 15, 2017/vm

IN THE HIGH COURT OF DELHI: NEW DELHI

Item No. 63

CrI. M.C. 4695/2017

NITIN KUMAR Vs. STATE & ANR.

15.11.2017

CW-2 Statement of SMT.SANGINI SINGH W/O SH. SANJAY KUMAR SINGH, AGED 39 YEARS, R/O RZC-117, JIWAN PARK, UTTAM NAGAR, NEW DELHI.

On S.A.

I have brought my original identity card, i.e., Aadhar Card bearing No.273352934145, the photocopy of which is Ex.CW-2/A (original seen & returned).

I identify my signatures on the certified copy of the settlement deed dated 22.7.2017 arrived at the Mediation Centre, Dwarka Courts, New Delhi and my signatures are at point 'A' on each page thereof on Ex.CW-2/B. I have signed the mediation settlement Ex.CW-2/B voluntarily of my own accord without any duress, coercion or pressure from any quarter as I seek to settle the matter with Nitin Kumar, the petitioner of the instant case. My son Master Mayank Singh (minor)/ respondent No.3 and I were injured in the instant case. The entire amount awarded vide the order of the learned MACT-II, Tis Hazari Courts, of Rs.20,000/- in favour of the respondent No.3 and a sum of Rs.9,70,000/- in my favour has already been received by me for myself and on behalf of my son, i.e., the respondent No.3. Apart from the same, a sum of Rs.65,000/- pursuant to the mediation settlement dated 22.7.2017, certified copy of which is on the record being Ex.Cw-2/B has also been received by me for myself and on behalf of my son, respondent No.3. The offences punishable under Section 337 and 338 of the

IPC 1860 in relation to FIR No. 1390/15, Police Station Janak Puri against the petitioner Nitin Kumar S/o Sh.Vijay Singh have already been compounded. I do not seek the continuance of the proceedings any further under Section 279 of the IPC 1860, in relation to the FIR no.1390/15 Police Station Janakpuri against the petitioner Nitin Kumar s/o Sh. Vijay Singh and I do not oppose the quashing of the said FIR.

I have made this statement voluntarily of my own accord without any duress, coercion or pressure from any quarter.

RO & AC
15.11.2017

ANU MALHOTRA, J

IN THE HIGH COURT OF DELHI: NEW DELHI

Item No. 63

CrI. M.C. 4695/2017

NITIN KUMAR Vs. STATE & ANR.

15.11.2017

**CW-1 Statement of ASI ASI MAHENDER SINGH, POLICE
STATION JANAK PURI , NEW DELHI.**

On S.A.

I identify both the accused Nitin S/o Sh.Vijay Singh, the petitioner of the instant case and the respondent No.2 Smt.Sangini Singh, complainant in the instant case in relation to FIR No.1390/15 under Section 279 IPC, Police Station Janak Puri.

RO & AC

15.11.2017

ANU MALHOTRA, J