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

+ CRL.M.C. 4725/2017 & CRL.M.A. 18835/2017

HARISH CHANDER & ORS

..... Petitioner

Through: Mr Vishesh Wadhwa, Adv.

versus

THE STATE GOVT OF NCT OF DELHI & ORS..... Respondent

Through: Mr. Panna Lal Sharma, APP for State
with SI Ashok, PS Amar Colony.
Mr. Sidharth Chopra, Adv. for R-2
with R-2 & R-3 in person.

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

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11.12.2017

Vide the present petition, the petitioner seeks quashing of FIR No.107/2009, under Sections 452/448/506/511/34 IPC, 1860 at Police Station Amar Colony and all consequential proceedings emanating therefrom submitting to the effect that there is a settlement arrived at between the petitioners and the respondent nos.2 and 3 through mediation on 12.07.2017 qua which the mediation was entered into pursuant to Memorandum of Understanding dated 12.07.2017. The respondent nos. 2 and 3 have affirmed having signed the Memorandum of Understanding (which is placed on record as Ex. CW2/A) voluntarily of their own accord and without any duress, coercion or pressure from any quarter and also stated that they have signed the mediation settlement dated 12.07.2017 which is placed on

record as Ex. CW2/B voluntarily and have stated that they have no opposition to the prayer made by the petitioners seeking quashing of the FIR in question and all the proceedings emanating therefrom in view of the alleged commission of the offences punishable under Sections 452/448/506/511/34 IPC, 1860.

Further respondent no.2 has stated that the FIR was got registered by her pursuant to a misunderstanding in relation to the property dispute which has since been resolved.

Learned APP for the State in the circumstances does not oppose the prayer made by the petitioner in view of the statements that have been made by the respondent nos. 2 and 3 on their examination before the Court and the Memorandum of Understanding dated 12.07.2017 which is placed on record as Ex. CW2/A and mediation settlement dated 12.07.2017 which is taken on record as Ex. CW2/B which is stated to have been signed by the respondent nos.2 and 3 voluntarily of their own accord and without any duress, coercion or pressure from any quarter.

The Investigating Officer of the case is present and has identified the petitioner nos. 1 to 4 as being the only accused in the FIR No. 107/2009 and also identified the respondent No.2 and 3 present in the Court today with respondent no.2 being the complainant of the said FIR.

In view of the statements made by the respondent nos.2 and 3, there is no reason to disbelieve their statement that they have testified voluntarily of their own accord and without any duress, coercion or pressure from any quarter and has further testified that there are no

claims against the petitioner.

In the interest of justice to put a quietus to the litigation between the parties so that the peace and harmony between them is restored in view of the settlement arrived at between the petitioners and the respondent nos.2 and 3 vide mediation settlement dated 12.07.2017 which is taken on record as Ex. CW2/B and Memorandum of Understanding dated 12.07.2017 which is placed on record as Ex. CW2/A as there is no likelihood of the petitioner being convicted in view of the settlement arrived at between the petitioner and the respondent nos. 2 and 3, in view thereof, the FIR No.107/2009, under Sections 452/448/506/511/34 IPC, 1860 at Police Station Amar Colony and all the consequential proceedings emanating therefrom against the petitioner No.1 Shri Harish Chander, petitioner No.2 Smt. Sonika Chopra, petitioner No.3 Smt. Veena Chopra and petitioner No.4 Shri Gurupad Halder are quashed.

The petition is disposed of.

Copy of the order be given *Dasti*, as prayed.

ANU MALHOTRA, J

DECEMBER 11, 2017

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IN THE HIGH COURT OF DELHI: NEW DELHI

Item No.8

CRL.M.C. 4725/2017

HARISH CHANDER & ORS

Vs. THE STATE GOVT OF NCT OF DELHI & ORS

11.12.2017

CW-2 STATEMENT OF MS. TANYA SHARMA D/O SHRI SUNIL SHARMA AGED 27 YEARS R/O 204, KAILASH HILLS, NEW DLEHI-110065.

On S.A.

I have no opposition to FIR No.107/2009, under Sections 452/448/506/511/34 IPC, 1860 at Police Station Amar Colony and consequential proceedings emanating therefrom against the petitioner No.1 Shri Harish Chander, petitioners No.2 Smt. Sonika Chopra, petitioners No.3 Smt. Veena Chopra and petitioners No.4 Shri Gurupad Halder being quashed in view of the settlement arrived at between me and the petitioners vide Memorandum of Understanding dated 12.07.2017 which bears my signature on each page at point A thereon on Ex. CW2/A. The mediation settlement dated 12.07.2017 also bears my signature thereon at point A on each page on Ex. CW2/B which I have signed voluntarily of my own accord without any duress, coercion or pressure from any quarter. The FIR got registered by me in 2009 due to some misunderstanding in relation to the property dispute which has since been resolved.

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

RO & AC

11.12.2017

ANU MALHOTRA, J

IN THE HIGH COURT OF DELHI: NEW DELHI

Item No.8

CRL.M.C. 4725/2017

HARISH CHANDER & ORS

Vs. THE STATE GOVT OF NCT OF DELHI & ORS

11.12.2017

STATEMETN OF SI ASHOK POLICE STATION AMAR COLONY

ON S.A.

I identify both the petitioner No.1 Shri Harish Chander, petitioners No.2 Smt. Sonika Chopra, petitioners No.3 Smt. Veena Chopra and petitioners No.4 Shri Gurupad Halder as the accused and the respondent No.2 Ms. Tanya Sharma, the complainant of the FIR No.107/2009, under Sections 452/448/506/511/34 IPC, 1860 at Police Station Amar Colony present in the Court today & respondent no.3 Mrs. Niti Sareen who is also present in Court today. Apart from the petitioner nos. 1-4, named in the above stated FIR, there are no other persons arrayed as the accused in relation to the present FIR No.107/2009, under Sections 452/448/506/511/34 IPC, 1860 at Police Station Amar Colony.

The original Aadhar Card of the respondent no.2 and respondent no. 3 have been produced by them, photocopies of which are on the record as Ex. CW1/A and Ex. CW1/B respectively. The original Aadhar Cards of the petitioner no. 1 and 2 have also been produced, photocopies of which are on the record as Ex. CW1/C and D respectively. The petitioner no. 4 has produced his original Driving Licence, photocopy of the same is taken on record as Ex. CW1/E. (Original seen & returned).

RO & AC

11.12.2017

ANU MALHOTRA, J

IN THE HIGH COURT OF DELHI: NEW DELHI

Item No.8

CRL.M.C. 4725/2017

HARISH CHANDER & ORS

Vs. THE STATE GOVT OF NCT OF DELHI & ORS

11.12.2017

**CW-3 STATEMENT OF MRS. NITI SAREEN W/O SUNIL SHARMA
D/O LATE SHRI SURJEET SINGH MARWAH AGED 48 YEARS
R/O 204, KAILASH HILLS, NEW DLEHI-110065.**

On S.A.

I have no opposition to FIR No.107/2009, under Sections 452/448/506/511/34 IPC, 1860 at Police Station Amar Colony and consequential proceeding emanating therefrom against the petitioner No.1 Shri Harish Chander, petitioners No.2 Smt. Sonika Chopra, petitioners No.3 Smt. Veena Chopra and petitioners No.4 Shri Gurupad Halder being quashed in view of the settlement arrived at between my daughter and the petitioners vide Memorandum of Understanding dated 12.07.2017 which bears my signature on each page at point B thereon on Ex. CW2/A. The mediation settlement dated 12.07.2017 also bears my signature thereon at point B on each page on Ex. CW2/B which I have signed voluntarily of my own accord without any duress, coercion or pressure from any quarter. The FIR got registered by my daughter Ms. Tanya Sharma in the year 2009 due to some misunderstanding in relation to the property dispute which has since been resolved. I have made this statement voluntarily of my own accord without any duress, coercion or pressure from any quarter.

RO & AC

11.12.2017

ANU MALHOTRA, J