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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 5480/2017 CRL.M.A. 21331/2017**
CHANDER BHAN ARORA & ANR Petitioner
Through Mr. Amulya Dhingra, Adv. with
petitioner in person.
versus

THE STATE GOVT OF NCT OF DELHI & ANR
Respondent

Through Mr. Panna Lal Sharma, APP for State
with SI Jhabbu Ram, PS Kirti Nagar.
Mr. Puneet Jaiswal, Adv. for R2 with
R2 in person.

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER
% **22.12.2017**

CRL.M.A. 21331/2017

CRL.M.A. 21331/2017 is an application filed on behalf of the petitioner seeking exemption from filing certified copies of the annexures. The same is allowed, subject to just exceptions.

The application is disposed of.

CRL.M.C. 5480/2017

Vide the present petition, the petitioner no. 1 Chander Bhan Arora s/o Late Sh. T.R. Arora and the petitioner no. 2 Mukesh Gupta s/o Sh. Prem Shankar Gupta seek quashing of the FIR No. 349/17, registered at PS Kirti Nagar, under Sections 288/338 of the Indian Penal Code, 1860 submitting to the effect that a settlement has been arrived at between the parties.

The Investigating Officer has stated that he is the complainant of the FIR No. 349/17, registered at PS Kirti Nagar, under Sections 288/338 of the

Indian Penal Code, 1860. He has identified the petitioner no. 1 Chander Bhan Arora s/o Late Sh. T.R. Arora and the petitioner no. 2 Mukesh Gupta s/o Sh. Prem Shankar Gupta as being the accused in relation to FIR No. 349/17, registered at PS Kirti Nagar, under Sections 288/338 of the Indian Penal Code, 1860. He has also identified the respondent no. 2 Babloo present today in the court i.e. the injured of the FIR No. 349/17, registered at PS Kirti Nagar, under Sections 288/338 of the Indian Penal Code, 1860 and has stated that he does not know his name as Sahab Singh. Photocopies of the proof of identity of the petitioners no. 1 to 2 and of the respondent no. 2 are on the record, which are Ex.CW1/A to Ex.CW1/C, original of which seen and returned.

The respondent no. 2 is also present today in the Court and in reply to the specific Court query he has categorically testified to the effect that he does not seek the prosecution of the petitioner no. 1 Chander Bhan Arora s/o Late Sh. T.R. Arora and the petitioner no. 2 Mukesh Gupta s/o Sh. Prem Shankar Gupta any further in relation to the FIR No. 349/17, registered at PS Kirti Nagar, under Sections 288/338 of the Indian Penal Code, 1860 in as much as the matter has been settled between the parties and he has been compensated for the injury sustained by him and the medical expenses to the tune of Rs.1,75,000/- and other expenses to the tune of Rs.90,000/- have been paid by petitioner no. 1 Chander Bhan Arora s/o Late Sh. T.R. Arora and the petitioner no. 2 Mukesh Gupta s/o Sh. Prem Shankar Gupta to him. The respondent no. 2 also testified to the effect that the settlement Agreement dated 14.10.2017 bears his signatures thereon at point-A on each page as visible on the photocopy on the same as Ex.CW2/A, which he has signed voluntarily of own accord without any duress or coercion from any

quarter and that she does not want that the petitioners no. 1 to 2 named above be punished in view of the settlement arrived at between the parties and he has no opposition to the quashing of the FIR No. 349/17, registered at PS Kirti Nagar, under Sections 288/338 of the Indian Penal Code, 1860 and all consequential proceedings emanating therefrom and that he has made this statement voluntarily of his own accord without any duress or coercion from any quarter. The respondent no. 2 has affirmed his signatures on his affidavit annexed to the petition bears her signature thereon at points-A on each page on Ex.CW2/A, which he has signed voluntarily of his own accord without any duress or coercion from any quarter.

Learned APP for the State also in the circumstances of the case does not oppose the prayer made by the petitioners seeking quashing of the FIR No. 349/17, registered at PS Kirti Nagar, under Sections 288/338 of the Indian Penal Code, 1860.

Taking into account the statement made by the respondent no. 2 and in view of the factum that he does not seek the prosecution of the petitioner no. 1 Chander Bhan Arora s/o Late Sh. T.R. Arora and the petitioner no. 2 Mukesh Gupta s/o Sh. Prem Shankar Gupta any further in relation to the FIR No. 349/17, registered at PS Kirti Nagar, under Sections 288/338 of the Indian Penal Code, 1860 and he states that he has been compensated for the injury sustained by him to the tune of Rs.90,000/- and the medical expenses to the tune of Rs.1,75,000/- and other expenses by petitioner no. 1 Chander Bhan Arora s/o Late Sh. T.R. Arora and the petitioner no. 2 Mukesh Gupta s/o Sh. Prem Shankar Gupta have been paid by the petitioners to him and that the settlement Agreement dated 14.10.2017 has been signed by him voluntarily of his own accord without any duress or

coercion from any quarter, it is thus considered appropriate in the interest of justice that the prayer made by the petitioner no. 1 Chander Bhan Arora s/o Late Sh. T.R. Arora and the petitioner no. 2 Mukesh Gupta s/o Sh. Prem Shankar Gupta seek quashing of the FIR No. 349/17, registered at PS Kirti Nagar, under Sections 288/338 of the Indian Penal Code, 1860 is allowed against the the petitioner no. 1 Chander Bhan Arora s/o Late Sh. T.R. Arora and the petitioner no. 2 Mukesh Gupta s/o Sh. Prem Shankar Gupta, which is thus accordingly allowed, and the FIR No. 349/17, registered at PS Kirti Nagar, under Sections 288/338 of the Indian Penal Code, 1860 and all consequential proceedings emanating therefrom are quashed.

The petition is disposed of.

ANU MALHOTRA, J

DECEMBER 22, 2017/MK