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IN THE HIGH COURT OF DELHI AT NEW DELHI

CRL.M.C. 185/2018

UTTAM SINGH

..... Petitioner

Through: Mr. Ishan Shivakumar, Advocate.

versus

STATE OF NCT DELHI & ANR

..... Respondents

Through: Mr. Izhar Ahmad, APP for State with
substitute IO SI Deepak, PS Prashant
Vihar.

Mr. Atul Kumar, Adv for R-2.

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

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12.03.2018

Vide the present petition, the petitioner seeks quashing of the FIR No. 690/2004, PS Prashant Vihar under Sections 448/380/420/468/471/120-B/34 of the Indian Penal Code, 1860 submitting to the effect that a settlement has since been arrived at between the petitioner and the respondent no. 2 and that no useful purpose will be served by continuation of the proceedings in relation to the said FIR.

The substitute Investigating Officer is present today in the Court and has identified the petitioner and the respondent no. 2 on the basis of their proof of identity produced by them. The photocopy of the Aadhar Card of the petitioner is on the record as Ex. CW1/A and the respondent no. 2 has produced his original Driving License

bearing no. PO8112005464113, photocopy of the same is directed to

be submitted on the record.

The substitute Investigating Officer has further stated to the effect that as per the charge-sheet that was filed in the instant case, there are two other accused arrayed in the FIR, i.e., Mr. K.L.Bagga and Mr. Rajesh of whom Mr. K.L.Bagga has already expired on 07.10.2006 as per the charge-sheet dated 22.02.2011 submitted under the signatures of the SHO, Inspector Yashpal Singh and as also forwarded by the ACP, R.P. Meena, Sub-Division Prashant Vihar, the FIR having been registered at the outer District Prashant Vihar. He has further stated and as also brought forth through the averments made in the charge-sheet itself that the co-accused Rajesh was kept in Column no. 12 as no incriminating evidence was found against him. Though the FIR is indicated to have been registered under Sections 448/380/420/468/471/120-B/34 of the Indian Penal Code, 1860, as per the proceedings dated 03.08.2013 of the Court of the learned MM, North, Delhi, the charges have been framed against the petitioner only under Sections 420 r/w 120-B of the Indian Penal Code, 1860. Per se the offence punishable under Section 420 of the Indian Penal Code, 1860 is compoundable in terms of Section 320 of the Cr.P.C., 1973.

In the circumstances of the case, thus in view of the statement made by the respondent no.2/complainant of the FIR in question that as per the settlement dated 07.09.2017 which has been arrived at between him and the petitioner at the Mediation Centre, Rohini Courts, certified copy of which is on the record as Ex. CW2/A, a total

sum of Rs. 3,15,000/- was agreed to be paid to him by the petitioner

of which a sum of Rs. 15,000/- had been paid in cash and a sum of Rs. 3,00,000/- had been paid vide a cheque bearing no. 417581 dated 07.09.2017 drawn on the Nainital Bank Ltd., Jain Bharti Model School, E-Block, Sector 16, Rohini, Delhi which has since been encashed in September, 2017 itself and that he thus, does not oppose the prayer made by the petitioner seeking quashing of the FIR in question nor does he want him to be punished in relation thereto qua the charge framed vide order dated 03.08.2013 of the Court of the learned MM-04 (North), Rohini Courts Delhi, against the petitioner for the offence punishable under Section 420 read with Section 120-B of the Indian Penal Code, 1860 and as he has further stated that there are now no claims of his are left against the petitioner, it is considered appropriate in the interest of justice as scope of conviction of the petitioner is wholly bleak in view of the settlement arrived at between the petitioner and the respondent no. 2 to permit the prayer seeking quashing of the FIR for the offence punishable under Section 120-B of the Indian Penal Code, 1860 also.

On behalf of the State, there is no opposition to the prayer made in view of the settlement arrived at between the petitioner and the respondent no. 2 and the factum of the demise of the co-accused Mr.K.L. Bagga and the other co-accused Mr. Rajesh having been arrayed only in Column no. 12 as no incriminating evidence was found against him.

Taking the totality of the circumstances of the case into account as well as the statement made by the respondent no. 2 that he has done

his B.Tech and works with the Railways, there appears no reason to disbelieve that he has arrived at a settlement with the petitioner voluntarily of his own accord without any duress, coercion or pressure from any quarter.

In view thereof, the FIR No. 690/2004, PS Prashant Vihar and all consequential proceedings emanating against the petitioner thereof for the offence with which he has been charged, i.e., under Section 420/120-B of the Indian Penal Code, 1860 are quashed.

The petition is disposed of.

Copy of the order be given Dasti, as prayed.

ANU MALHOTRA, J

MARCH 12, 2018
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CW-1 SI Deepak, Police Station Prashant Vihar.

ON S.A.

The FIR No. 690/2004, PS Prashant Vihar under Sections 448/380/420/468/471/120-B/34 of the Indian Penal Code, 1860 has been registered against Uttam Singh the petitioner in the present petition arrayed on record and also against K.L. Bagga, who expired on 07.10.2006 and Mr. Rajesh against whom there was no evidence having found during the course of the investigation of the subject FIR and was thus put in Column no. 12. I also identify the respondent no. 2, Ambrish Gautam being the complainant of the said FIR present in Court today. The proof of identity of the petitioner in the form of photocopies of his Aadhar Card is on the record as Ex. CW1/A (Original seen and returned) and the respondent no. 2 has produced his original Driving License bearing no. PO8112005464113, photocopy of the same be placed on the record.

RO & AC
MARCH 12, 2018.

ANU MALHOTRA, J

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Statement of CW2 : Mr. Ambrish Gautam, s/o Sh. D.R. Gautam, aged 41 years, r/o F-17/65, Sector-8 Rohini, Delhi.

ON S.A.

I do not oppose the prayer made by the petitioner seeking quashing of the FIR No. 690/2004, PS Prashant Vihar under Sections 448/380/420/468/471/120-B/34 of the Indian Penal Code, 1860 in relation to which the charges have been framed against the petitioner only under Section 420 read with Section 120-B of the Indian Penal Code, 1860 in view of the settlement arrived at between me and the petitioner at the Mediation Centre, Rohini Courts Delhi on 07.09.2017, which mediation settlement bears my signatures thereon at point A on Ex. CW2/A.

My affidavit annexed to the petition bears my signatures at points A & B thereon on Ex. CW2/B. I have signed both these documents voluntarily of my own accord without any duress, coercion or pressure from any quarter. In terms of the mediation settlement dated 07.09.2017, i.e., Ex. CW2/A, a total sum of Rs. 3,15,000/- was agreed to be paid to me by the petitioner of which a sum of Rs. 15,000/- had been paid in cash and a sum of Rs. 3,00,000/- had been paid vide a cheque bearing no. 417581 dated 07.09.2017 drawn on the Nainital Bank Ltd., Jain Bharti Model School, E-Block, Sector 16, Rohini, Delhi which has since been encashed in September, 2017 itself. I thus, do not oppose the prayer made by the petitioner seeking quashing of the FIR in question nor do I want him to be

punished in relation thereto qua the charge framed vide order dated 03.08.2013 of the Court of the learned MM-04 (North), Rohini Courts Delhi, against the petitioner for the offence punishable under Section 420 read with Section 120-B of the Indian Penal Code, 1860.

I have done my B.Tech and I work with Railways.

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

ANU MALHOTRA, J

**RO & AC
MARCH 12, 2018**