

\$~5

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

+ **CRL.M.C. 372/2018 & CRL.M.A. 4857/2018**

SONU & ORS

..... Petitioner

Through Mr. Hamid Ali, Adv. with P1 with
Mr. Mahesh father of the minors
petitioner no. 2 / A & the petitioner
no. 3 / B and Mr. Shakil father of the
minor petitioner no. 4 / C

versus

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

Through Mr. Izhar Ahmad, APP for State with
IO SI Anjani Kumar Singh PS Vasant
Kunj South.
R2 & R3 in person.

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

%

03.04.2018

Vide the present petition, the petitioners seek quashing of FIR No. 74/17, registered at PS Vasant Kunj South, under Sections 354/354B/323/341/34 of the Indian Penal Code, 1860 submitting to the effect that a settlement has been arrived at between the parties due the intervention of the respectables and elders and now no grievances are left *inter se* between the parties.

Vide the proceedings dated 24.01.2018 in view of the submissions made on behalf of the State that the Writ Petition (Crl.) 2700/17 has been filed by the very same petitioners which has already been disposed of, the

CRL.M.C. 372/2018

page 1 of 4

record of the Writ Petition (Crl.) 2700/17 has been requisitioned. As submitted on behalf of the petitioners, it is brought forth on a perusal of the proceedings dated 18.09.2017 in the said petition that the said petition has been dismissed as withdrawn with liberty to the petitioners to file it afresh incorporating the name of another co-accused i.e. the petitioner no. 4 / 'C', the minor on record. The present petition has now been filed with minor petitioner no. 4 / 'C' s/o Mr. Shakil having been arrayed as party. The petition has thus been taken up for consideration.

In terms of the proceedings dated 24.01.2018 in view of the submissions made through the memo of the parties that the petitioners no. 2 & 3 were minors, a verification report was called from the SHO PS Vasant Kunj South which has already been received on 15.03.2018 which indicates that the date of birth of the petitioner no. 2 being 20.07.2001 and the date of birth of the petitioner no. 3 being 26.06.2000. The ossification test of the petitioner no. 4 is reported to have been conducted indicating the opinion of the ossification of the petitioner no. 4 to be between 16 years to 18 years which all bring forth that the petitioners no. 2, 3 & 4 are minors and now represented through their natural guardian i.e. the petitioners no. 2 & 3 through their father Mr. Mahesh and the petitioner no. 4 being represented through his natural guardian and father Mr. Shakil, who have been identified by the Investigating Officer.

The respondent no.2 in her examination on oath by the Court has affirmed having put her thumb impressions on Ex.CW2/A and also on the Memorandum of Understanding arrived at between the parties as Ex.CW2/B voluntarily of her own accord without any duress or coercion from any

quarter and states that in view of the settlement arrived at between her and the petitioners she does not oppose the prayer made by the petitioners seeking quashing of the FIR No. 74/17, registered at PS Vasant Kunj South, under Sections 354/354B/323/341/34 of the Indian Penal Code, 1860 nor does she want the petitioners to be punished in relation thereto. To similar effect is the statement of the respondent no. 3 i.e. the injured who sustained simple injuries caused by blunt object.

Learned APP for the State submits that in the circumstances of the case, there is no opposition to the prayer made by the petitioner seeking quashing of the FIR in question in view of the settlement arrived at between the parties.

In view of the deposition of the respondent no. 2 and the respondent no. 3, there appears no reason to disbelieve their statements that they have made their statement voluntarily of their own accord without any duress, coercion or pressure from any quarter and taking into account that the petitioners and the respondents no. 2 & 3 are the neighbours, it is considered essential for maintenance of peace and harmony between the petitioners and the respondents no.2 & 3 to put a *quietus* to the litigation between them.

In view thereof, it is considered appropriate to allow the prayer made by the petitioners seeking quashing of FIR No. 74/17, registered at PS Vasant Kunj (South), under Sections 354/354B/323/341/34 of the Indian Penal Code, 1860 and all the consequential proceedings emanating therefrom against the petitioner. In view thereof the FIR No. 74/17,

registered at PS Vasant Kunj (South), under Sections 354/354B/323/341/34 of the Indian Penal Code, 1860 and all the consequential proceedings emanating therefrom against the petitioners no. 1, 2, 3 & 4 are quashed.

The petition is disposed of.

ANU MALHOTRA, J

APRIL 03, 2018/MK

5

CRL.M.C. 372/2018

SONU & ORS versus

THE STATE GOVT OF NCT OF DELHI & ORS

Statement of CW1 : SI Anjani Kumar Singh, PS Vasant Kunj South, Delhi.

ON S.A.

I identify the petitioner no. 1 Sonu s/o Sh. Sheesh Pal, Mr. Mahesh father of the minors petitioner no. 2 / A & the petitioner no. 3 / B and Mr. Shakil father of the minor petitioner no. 4 / C arrayed as the sole accused in relation to the FIR No. 74/17, registered at PS Vasant Kunj South, under Sections 354/354B/323/341/341/34 of the Indian Penal Code, 1860 on the basis of the complaint lodged by the respondent no. 2 i.e. the complainant Ms. X present in the court today. Injured Sarfuddin is also present whom I also identify. The photocopy of the proof of the petitioner no. 1, father of the minor petitioners no. 2 & 3 and the father of the minor petitioner no. 4 are on record as Ex.CW1/A to Ex. CW1/D respectively (original seen and returned). The respondent no. 2 has produced her original Election Identity Card. The injury sustained by respondent no. 3 is simple caused by blunt object.

**RO & AC
APRIL 03, 2018/MK**

ANU MALHOTRA, J

5

CRL.M.C. 372/2018

SONU & ORS versus

THE STATE GOVT OF NCT OF DELHI & ORS

**Statement of CW2 : Ms. X w/o Mr. Sahrun, aged 23 years r/o 62,
Rangpuri Pahari Nala, Malikpur Kohi @ Rangpuri, New Delhi.**

ON S.A.

My affidavit annexed to the petition bears my thumb impressions thereon at points-A and B on Ex.CW2/A. The Memorandum of Understanding also bears my thumb impressions thereon at point-A on Ex.CW2/B. I have put my thumb impressions on both these documents voluntarily of my own accord without any duress, pressure or coercion from any quarter. In view of the settlement arrived at between me and the petitioners and thus I do not oppose the prayer made by the petitioners seeking quashing of the FIR No. 74/17, registered at PS Vasant Kunj South, under Sections 354/354B/323/341/341/34 of the Indian Penal Code, 1860 nor I do want the petitioners to be punished in relation thereto. I am not literate. I do work of stitching in my house.

**RO & AC
APRIL 03, 2018/MK**

ANU MALHOTRA, J

5

CRL.M.C. 372/2018

SONU & ORS versus

THE STATE GOVT OF NCT OF DELHI & ORS

Statement of CW3 : Sarfuddin s/o Mr. Mahboob, aged 30 years r/o CN-151, Rangpuri Pahari, Nala Rangpuri Pahari, New Delhi.

ON S.A.

I have studied till standard 8th. I work as a Carpenter. I do not oppose the prayer made by the petitioners seeking quashing of the FIR No. 74/17, registered at PS Vasant Kunj South, under Sections 354/354B/323/341/341/34 of the Indian Penal Code, 1860 lodged on the complaint of my sister Ms. X i.e. the respondent no. 2. I have also sustained injuries in the incident and due to the intervention of respectables and elders, I do not oppose the prayer made by the petitioners in view of the settlement arrived at between me and the petitioners. My affidavit annexed to the petition bears my signatures thereon at points-A and B on Ex.CW3/A. The Memorandum of Understanding also bears my signatures thereon at point- B on Ex.CW2/B. The petitioners are my neighbours. I have made this statement voluntarily of my own accord without any duress or coercion from any quarter.

**RO & AC
APRIL 03, 2018/MK**

ANU MALHOTRA, J