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

+ **CRL.M.C. 248/2018 & CRL.M.A. 973/2018**

INDERJEET SINGH

..... Petitioner

Through

Mr. Harish Kohli, Mr. Rohit Singh,
Advs.

versus

THE STATE GOVT OF NCT OF DELHI & ANR Respondent

Through

Mr. Panna Lal Sharma, APP for State
with ASI Hawa Singh PS Nihal Vihar
R2 in person.

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

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18.01.2018

CRL.M.A. 973/2018

CRL.M.A. 973/2018 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. 248/2018

Vide the present petition, the petitioner Inderjeet Singh s/o Sh. Raj Mangal Singh seeks quashing of the FIR No. 49/12, PS Nihal Vihar initially registered under Section 325/34 of the Indian Penal Code, 1860 and then converted to one under Section 325/308/34 of the Indian Penal Code, 1860 submitting to the effect that a settlement has been arrived at between the petitioner and the respondent no. 2.

The Investigating Officer has identified the petitioner Inderjeet Singh s/o Sh. Raj Mangal Singh as being the only accused in relation to the FIR

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No. 49/12, PS Nihal Vihar, initially registered under Section 325/34 of the Indian Penal Code, 1860 and then converted to one under Section 325/308/34 of the Indian Penal Code, 1860. He has further submitted that as per the contents of the said FIR there was another co-accused named Ranga in the said FIR, who could not be traced out despite best efforts and it has been so stated in the charge-sheet as well and he has further submitted to the effect that in the event of the said co-accused named Ranga being traced out, the supplementary charge-sheet would be filed.

He has also identified the respondent no. 2 Chander Veer Singh s/o Sh. Omveer Singh present today in the court i.e. the complainant of the FIR No. 49/12, PS Nihal Vihar initially registered under Section 325/34 of the Indian Penal Code, 1860 and then converted to one under Section 325/308/34 of the Indian Penal Code, 1860. Photocopies of the proof of identity of the petitioner and respondent no. 2 are on the record, which are Ex.CW1/A to Ex.CW1/B respectively (originals of which have been seen and returned).

The respondent no. 2 on examination by the Court has testified to having sworn his affidavit annexed to the petition Ex.CW2/A and has testified to the effect that a Memorandum of Settlement dated 05.01.2018 was arrived at between the petitioner and the respondent no. 2 and the same has been signed by the respondent no. 2 voluntarily of his own accord without any duress, pressure or coercion from any quarter. *Inter alia* the respondent no. 2 has stated that he has done an automobile engineering course and is dealing with online flipkart sales. The respondent no. 2 and the Investigating Officer both have identified the petitioner i.e. the person

mentioned in the petition as Inderjeet Singh as being the accused of the said FIR named Inderjeet Shah. The respondent no. 2 further testified to the effect that the original assailant Ranga has run away and could not be traced out and that he wants to live peacefully with the petitioner.

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. 49/12, PS Nihal Vihar initially registered under Section 325/34 of the Indian Penal Code, 1860 and then converted to one under Section 325/308/34 of the Indian Penal Code, 1860.

In view of the submissions made by the respondent no. 2 and due identification of the petitioner and the respondent no. 2 which are on record in the form of Ex.CW1/A to Ex.CW1/B respectively, originals of which have been seen and returned, and as testified by the respondent no. 2 that a Memorandum of Settlement dated 05.01.2018 arrived at between the parties and the same has been signed by him voluntarily of his own accord without any duress, pressure or coercion from any quarter and that he wants to live peacefully with the petitioner, to maintain peace and harmony between the petitioner and the respondent no. 2, it is thus considered appropriate in the interest of justice that the prayer made by the petitioner seeking quashing of the FIR No. 49/12, PS Nihal Vihar initially registered under Section 325/34 of the Indian Penal Code, 1860 and then converted to one under Section 325/308/34 of the Indian Penal Code, 1860 and all consequential proceedings emanating therefrom is allowed and thus the FIR No. 49/12, PS Nihal Vihar initially registered under Section 325/34 of the Indian Penal Code, 1860 and then converted to one under Section 325/308/34 of the

Indian Penal Code, 1860 and all consequential proceedings emanating therefrom against the petitioner Inderjeet Singh s/o Sh. Raj Mangal Singh alone whose name has been mentioned in the petition as Inderjeet Singh and as the accused in the said FIR named Inderjeet Shah qua which it is submitted on behalf of the petitioner by the counsel present that the same is a typographical error are quashed.

The petition is disposed of.

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

ANU MALHOTRA, J

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Statement of the CW1 : ASI Hawa Singh, PS Nihal Vihar, Delhi.

ON S.A.

I identify the petitioner Inderjeet Singh s/o Sh. Raj Mangal Singh as being the only accused in relation to the FIR No. 49/12, initially registered under Section 325/34 of the Indian Penal Code, 1860 and then converted to under Section 325/308/34 of the Indian Penal Code, 1860 at PS Nihal Vihar. The person mentioned in the petition as Inderjeet Singh is the accused of the said FIR named Inderjeet Shah.

The other co-accused named Ranga in the said FIR has not been traced out despite best efforts and it has been so stated in the charge-sheet as well and in the event of said co-accused named Ranga is being traced out, the supplementary charge-sheet will be prepared.

I also identify the respondent no. 2 Chander Veer Singh s/o Sh. Omveer Singh present today in the court i.e. the complainant of the FIR No. 49/12, initially registered under Section 325/34 of the Indian Penal Code, 1860 and then converted to under Section 325/308/34 of the Indian Penal Code, 1860 at PS Nihal Vihar. Photocopies of the proof of identity of the petitioner and respondent no. 2 are on the record, which are Ex.CW1/A to Ex.CW1/B respectively (originals of which have been seen and returned).

ANU MALHOTRA, J

RO & AC

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Statement of the CW2 : Chander Veer Singh s/o Sh. Omveer Singh, aged 28 years r/o A-156, Rishal Garden, Nangloi, Delhi, previously resident of F-82, Kunwar Singh Nagar, Nilothi Mor, Delhi.

ON S.A.

My affidavit annexed to the petition bears my signature thereon at points-A and B on Ex.CW2/A and the Memorandum of Settlement dated 05.01.2018 produced in original also bears my signatures thereon on the photocopy of the same as visible thereon at points-A on each page on Ex.CW2/B. I have signed both the documents voluntarily of my own accord without any duress, pressure or coercion from any quarter.

I have done an automobile engineering course and I am dealing with flipkart sells. I do not oppose the prayer made by the petitioner seeking quashing of the FIR No. 49/12, initially registered under Section 325/34 of the Indian Penal Code, 1860 and then converted to under Section 325/308/34 of the Indian Penal Code, 1860 at PS Nihal Vihar in as much the original assailant Ranga has run away and has not been traced out. I do want the petitioner i.e. the person mentioned in the petition as Inderjeet Singh is the accused of the said FIR named Inderjeet Shah to be punished as he is my neighbour and I want to live peacefully with him in the locality. I have made this statement voluntarily of my own accord without any duress, pressure or coercion from any quarter.

ANU MALHOTRA, J

RO & AC

JANUARY 18, 2018/MK