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

+ CRL.M.C. 244/2018

NARESH KUMAR MANCHANDA Petitioner

Through Mr. Dhiraj Manchanda, Adv.

versus

STATE & ANR Respondents

Through Mr. Ashish Dutta, APP for the State
ASI Jagbir Singh, PS Delhi Cantt.
Respondent No.2 in person

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

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23.03.2018

Vide the present petition, the petitioner seeks quashing of FIR No. 186/2017 PS Delhi Cantt under Sections 279 of the Indian Penal Code, 1860 registered on the complaint of the respondent no.2 submitting to the effect that there are now no disputes between the petitioner and the respondent no.2 as the petitioner and respondent No.2 have entered into a memorandum of understanding dated 12.1.2018. As per the settlement a sum of Rs.18,000/- has been paid to the respondent No.2 today in Court by way of a demand draft No.332314 dated 28.12.2017 of Karnataka Bank Ltd. It has been submitted that the petitioner is not present today being unwell. Ms. Payal Mittal is present today in Court as being the complainant thereof. In her deposition on examination on oath by the Court, the

respondent no.2 today has testified to the effect that she identifies the petitioner therein, the photograph annexed to the petition on the memo of parties which is Ex.CW1/A at point 'X' therein as being the person who was driving the vehicle/car bearing No.UK 08AG 4096 which hit the Respondent's car No.HR 26 DA 2978 on 15.7.2017 at 5.30 p.m. The proof of identity of the respondent no. 2 in the form of the photocopy of her Pan Card is on the record as Ex. CW1/B. In her statement Respondent No.2 states that she signed the MOU voluntarily of her own accord without any duress, coercion or pressure from any quarter and does not oppose the prayer made by the petitioner seeking quashing of the FIR in question, in view of the settlement arrived at between respondent No.2 and the petitioner. The respondent No.2 has studied till Higher Secondary and is dealing in the business of tea. She states that she has received a demand draft No.332314 dated 28.12.2017 of Karnataka Bank Ltd. for a sum of Rs.18,000/- from the petitioner drawn in her favour, photocopy of which is on record and marked as Ex.CW1/D and she stated that now no claims of hers are left against the petitioner.

Learned APP for the State submits that in the circumstances of the case, there is no opposition to the prayer made by the petitioners seeking quashing of the FIR in question.

As the petitioner and the respondent no.2 have arrived at a memorandum of understanding dated 12.1.2018 and as there appears to be no reason to disbelieve the statement made by the respondent no. 2 that she has arrived at the settlement with the petitioner voluntarily of her own accord without any duress, coercion or pressure from any

court it is considered appropriate to allow the prayer made by the petitioner seeking quashing of FIR No. 186/2017 PS Delhi Cantt under Sections 279 of the Indian Penal Code, 1860 and all the consequential proceedings emanating therefrom against the petitioner.

In view thereof the 186/2017 PS Delhi Cantt under Sections 279 of the Indian Penal Code, 1860 and all the consequential proceedings emanating therefrom against the petitioner are quashed.

ANU MALHOTRA, J

MARCH 23, 2018

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Item No. 21

CRL.M.C. 244/2018

NARESH MANCHANDA VS. STATE & ANR.

23.03.2018

CW-1 Ms. Payal Mittal wife of Dr. Narendra Gupta, aged 36 years, r/o Tranquilitia P 67, Sector 46, Gate No.1, Gurgaon Haryana-122003 presently residing at 58/3, Aster Avenue, DLF Phase IV, Gurgaon, Haryana.

ON S.A.

I identify the person at point `X' i.e. the photograph annexed to the petition on memo of parties which is Ex.CW1/A arrayed as accused in the FIR No.186/2017 of PS Delhi Cantt under Section 279 of the Indian Penal Code, 1860 as being the person who was driving the vehicle/car bearing No.UK 08AG 4096 which hit my car No.HR 26 DA 2978 on 15.7.2017 at 5.30 pm. I brought my original Pan Card as proof of my identity photocopy of which is marked as Ex.CW1/B (Original seen and returned.) I entered into a memorandum of understanding with the petitioner on 12.1.2018. Photocopy of which is on record and marked as Ex.CW1/C. The memorandum of understanding bears my signatures at point `A' on each page. I have no opposition to the prayer made by the petitioner seeking quashing of the FIR No.186/2017 PS Delhi Cantt under Section 279 of the Indian Penal Code, 1860. I have signed the MOU voluntarily of my own accord without any duress, coercion or pressure from any quarter in support of the prayer made by the petitioner seeking quashing of the FIR in question, in view of the settlement arrived at between me and the petitioners. I have

studied till Higher Secondary and I am dealing in the business of tea. I have received a demand draft No.332314 dated 28.12.2017 of Karnataka Bank Ltd. for a sum of Rs.18,000/- from the petitioner drawn in my favour. photocopy of which is on record and marked as Ex.CW1/D. Now there are no claims of mine left against the petitioner.

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

RO & AC
MARCH 23 , 2018.

ANU MALHOTRA, J