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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 600/2018**
MUKUL TYAGI Petitioner
Through: Mr. Bishwaji Singh, Adv.

versus

THE STATE GOVT OF NCT OF DELHI Respondent
Through: Mr. Panna Lal Sharma, APP for
State.
R-2 in person

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

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05.02.2018

Crl. M.A.2188/18 (Exemption)

Exemption allowed, subject to just exceptions.

CRL.M.C. 600/2018

Vide the present petition, the petitioner seeks quashing of FIR No.439/17, registered at PS Anand Vihar, under Sections 279/337 Indian Penal Code, 1860 and all consequential proceedings emanating therefrom submitting to the effect that the petitioner and the respondent no.2 have arrived at a settlement vide the settlement agreement dated 18.09.2017 pursuant to which the petitioner has compensated the respondent no.2 for the simple injuries caused to him during the road accident to the tune of Rs. 25,000/-.

The petitioner has been duly identified by the learned counsel and the respondent no.2 has also duly identified the petitioner. The proof of identity of the petitioner in the form of his original Election Commission Identify

Card and of the respondent no.2 in the form of his original Aadhar Card has been produced.

The respondent no.2 in his examination on oath by the Court has testified to having sworn his affidavit annexed to the petition as Ex.CW1/A and has further testified to the effect that he has also signed the mediation settlement dated 18.09.2017 executed between the petitioner and the respondent no2 (copy of which is on the record as Ex. CW2/B) voluntarily of his own accord without any duress or coercion from any quarter. The respondent no. 2 has further testified to having received a sum of Rs. 25,000/- from the petitioner in terms of said settlement agreement dated 18.09.2017, Ex. CW2/B. He has further testified to the effect that he does not oppose the prayer made by the petitioner seeking quashing of the FIR in question and does not want the petitioner to be punished in relation thereto and that he has made his statement voluntarily of his own accord. He has further testified to the effect that he has studied upto Standard Vth and has previously worked in MCD for 30 years.

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.

The identity of the petitioner and of the respondent no.2 is established through their original documents which have been produced in the Court, copies of which are on the record and further the petitioner and the respondent no.2 are duly identified by the learned counsel whose Vakalatnama is on the record. The offence punishable under Section 337 Indian Penal Code, 1860 is *per se* compoundable in terms of Section 320 of the Cr.P.C. 1973.

In the circumstances of the case and in view of the settlement arrived at between the petitioner and the respondent no.2 and as apparently the injuries sustained by the respondent no.2 are simple in nature, for which he has been compensated by the petitioner as testified by the respondent No.2 and in view of the deposition of the respondent no.2, there is no reason to disbelieve his statement that he has arrived at a settlement with the petitioner voluntarily of his own accord without any duress, coercion or pressure from any quarter and taking into account the non-oppositoin on behalf of the State, for maintenance of peace and harmony between the petitioner and the respondent no.2, it is considered appropriate to allow the prayer made by the petitioner seeking quashing of FIR No.439/17, registered at PS Anand Vihar, under Sections 279/337 Indian Penal Code, 1860 and all the consequential proceedings emanating therefrom against the petitioner.

In view thereof the FIR No.439/17, registered at PS Anand Vihar, under Sections 279/337 Indian Penal Code, 1860 and all the consequential proceedings emanating therefrom against the petitioner Mr. Mukul Tyagi are quashed.

ANU MALHOTRA, J

FEBRUARY 05, 2018

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CRL.M.C. 600/2018

MUKUL TYAGI

Vs. THE STATE GOVT OF NCT OF DELHI

**Statement of CW1 : Shri Jai Prakash, s/o Shri Attar Singh, aged 60 years, r/o G-13, Jagatpuri, Gali No.2, 40 Foota Road, Delhi-110051.
ON S.A.**

My affidavit annexed to the petition bears my signature thereon at points-A & B on Ex.CW1/A. The settlement agreement dated 18.09.2017 arrived at between me and the petitioner bears my signature thereon on each page thereof at point-A as visible on the copy thereof, original of which has been produced, copy of the same is on the record as Ex. CW2/B. I have signed both these documents voluntarily of my own accord without any duress, pressure or coercion from any quarter nor on anyone's influence. In view of the settlement arrived at between me and the petitioner, I do not oppose the prayer made by the petitioner seeking quashing of the FIR No.439/17, registered at PS Anand Vihar, under Sections 279/337 Indian Penal Code, 1860 nor do I want the petitioner to be punished in relation thereto. In view of the settlement arrived at between me and the petitioner as Ex. CW2/B, I have received a total sum of Rs. 25,000/- from the petitioner.

I have studied upto standard 5th. I have previously worked in the MCD for 30 years. I identify the petitioner and copy of my Aadhar Card is Ex.CW2/C. I have made this statement voluntarily of my own accord without any duress, pressure or coercion from any quarter.

ANU MALHOTRA, J

RO & AC

FEBRUARY 05, 2018