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

+ CRL.M.C. 848/2018 & Crl. M.A. no. 3121/2018

OM PRAKASH RATHI & ANR.

..... Petitioners

Through Mr. Rakesh Nautiyal, Adv. with
petitioners in person

versus

THE STATE (NCT OF DELHI) & ANR.

..... Respondents

Through Ms. Manjeet Arya, APP with SI
Vivek Malik, P.S. Vasant Kunj (S) for
respondent no. 1
Mr. Deepak Tyagi, Adv. with
respondent no. 2 in person

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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19.02.2018

It is submitted that petitioners and respondent no. 2 have settled their disputes amicably, vide Memorandum of Understanding dated 2nd February, 2017; therefore, FIR No. 787/2015 under Sections 288/338/34 IPC registered at Police Station Vasant Kunj South (Old) on the complaint of respondent no. 2, may be quashed. Initially, FIR was registered under Sections 288/337 IPC. During the investigation, Section 337 has been converted to offence under Section 338 IPC and Section 34 IPC has also been added. Charge-sheet has already been filed. Respondent no. 2 is

present in Court along with his counsel and has been identified by SI Vivek Malik of police station Vasant Kunj (S). Respondent no. 2 admits having settled the matter with the petitioner of his own free will and without any undue force, pressure or coercion. Respondent no. 2 says that petitioners have borne his medical expenses and have paid ₹20,000/- to him. It is noted that this fact has not been mentioned in the Memorandum of Understanding. However, respondent no. 2 has admitted this fact on inquiries made from him by this Court. Respondent no. 2 further submits that he has no objection in case FIR is quashed.

Keeping in view the settlement arrived at between the petitioners and respondent no.2 voluntarily, in my view, no fruitful purpose would be served to keep the criminal proceedings pending. Accordingly, FIR No. 787/2015 under Sections 288/338/34 IPC registered at Police Station Vasant Kunj South (Old) and the consequent proceedings emanating therefrom are quashed.

Petition is disposed of in the above terms. Miscellaneous application is disposed of as infructuous. Dasti.

A.K. PATHAK, J.

FEBRUARY 19, 2018
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