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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 964/2018 & CRL.M.A. 3526/2018**
RAHEES & ORS Petitioner
Through Mr. M.L. Choudhary, Adv. with
petitioners in person.

versus

THE STATE GOVT OF NCT OF DELHI & ORS..... Respondent
Through Mr. Kamal Kr. Ghei, APP for State
with SI Ranbir Singh PS Neb Sarai.
R2 & R3 in person.

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER
% **23.02.2018**

Vide the present petition, the petitioner no. 1 Rahees s/o Sh. Yakub, the petitioner no. 2 Fareed s/o Sh. Yakub, the petitioner no. 3 Nafees s/o Sh. Yakub and the petitioner no. 4 Mujeed @ Babu s/o Sh. Yakub seek quashing of the FIR No. 36/2018, registered at PS Neb Sarai, under Sections 308/34 of the Indian Penal Code, 1860 submitting *inter alia* to the effect that the petitioners and the respondents no. 2 & 3 are neighbours and due to misunderstanding there was a dispute between them and the respondents no. 2 & 3 sustained simple injuries and that a settlement has since been arrived at between the petitioners and the respondents no. 2 & 3 vide Compromise Deed / MOU dated 07.02.2018.

The Investigating Officer of the case has identified the petitioner no. 1 Rahees s/o Sh. Yakub, the petitioner no. 2 Fareed s/o Sh. Yakub, the
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petitioner no. 3 Nafees s/o Sh. Yakub and the petitioner no. 4 Mujeed @

Babu s/o Sh. Yakub as being the accused in relation to the FIR No. 36/2018, registered at PS Neb Sarai, under Sections 308/34 of the Indian Penal Code, 1860. He has also identified the respondent no. 2 Rashid s/o Sh. Bhoora i.e. the complainant / injured and the respondent no. 3 Intejar Ahmad s/o Sh. Israr Ahmad being another injured in the instant case and that both the respondents no. 2 & 3 have sustained simple injuries in the instant case. Copies of the MLCs in relation to the respondents no. 2 & 3 have been produced which indicate that the injuries sustained by the respondent no. 2 Rashid s/o Sh. Bhoora are indicated to be 'simple sharp' as per MLC No. 500073830 and the injuries sustained by the respondent no. 3 Intejar Ahmad s/o Sh. Israr Ahmad are indicated to 'simple blunt' as per the MLC no. 500073831. Photocopies of which are directed to be placed on record.

Both the respondent no. 2 i.e. the complainant and the respondent no. 3 i.e. injured have testified to the effect that they have arrived at a settlement with the petitioners vide a Compromise Deed / MOU dated 07.02.2018, which they have signed voluntarily of their own accord without any duress or coercion from any quarter and the respondents no. 2 & 3 have testified to having their affidavits as Ex.CW2/B and Ex.CW3/A annexed to the petition which they have signed voluntarily of their own accord without any duress or coercion from any quarter. The respondents no. 2 & 3 have testified to the effect that due to the intervention of the respectables, they do not want the petitioners no. 1 to 4 to be punished who are their neighbours and they have no opposition to the quashing of the FIR No. 36/2018, registered at PS Neb Sarai, under Sections 308/34 of the Indian Penal Code, 1860 and all consequential proceedings emanating therefrom. They have chicken shops.

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. 36/2018, registered at PS Neb Sarai, under Sections 308/34 of the Indian Penal Code, 1860 also in view of the settlement arrived at between the parties.

In view of the depositions of the respondents no. 2 & 3, there appears no reason to disbelieve the statements made by the respondents no. 2 & 3 that they have arrived at the settlement voluntarily of their own accord without any duress or coercion from any quarter, thus to maintain peace and harmony between the parties and it is thus considered appropriate in the interest of justice that the prayer made by the petitioner seeking quashing of the FIR No. 36/2018, registered at PS Neb Sarai, under Sections 308/34 of the Indian Penal Code, 1860 and all consequential proceedings emanating therefrom is allowed and thus the FIR No. 36/2018, registered at PS Neb Sarai, under Sections 308/34 of the Indian Penal Code, 1860 and all consequential proceedings emanating therefrom against the petitioner no. 1 Rahees s/o Sh. Yakub, the petitioner no. 2 Fareed s/o Sh. Yakub, the petitioner no. 3 Nafees s/o Sh. Yakub and the petitioner no. 4 Mujeed @ Babu s/o Sh. Yakub are quashed.

The petition is disposed of.

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Statement of CW1 : SI Ranbir Singh, PS Neb Sarai, Delhi.**ON S.A.**

I identify the petitioner no. 1 Rahees s/o Sh. Yakub, the petitioner no. 2 Fareed s/o Sh. Yakub, the petitioner no. 3 Nafees s/o Sh. Yakub and the petitioner no. 4 Mujeed @ Babu s/o Sh. Yakub as being the accused in relation to the FIR No. 36/2018, registered at PS Neb Sarai, under Sections 308/34 of the Indian Penal Code, 1860. I also identify the respondent no. 2 Rashid s/o Sh. Bhoora i.e. the complainant / injured of the FIR No. 36/2018, registered at PS Neb Sarai, under Sections 308/34 of the Indian Penal Code, 1860 and the respondent no. 3 Intejar Ahmad s/o Sh. Israr Ahmad being another injured in the instant case. The injuries sustained by the respondent no. 2 Rashid s/o Sh. Bhoora are indicated to be caused are simple sharp as per MLC No. 500073830 and the injuries sustained by the respondent no. 3 Intejar Ahmad s/o Sh. Israr Ahmad are indicated to be caused are simple blunt as per the MLC no. 500073831. Photocopies of the proof of identities of the petitioners no. 1 to 4 and of the respondents no.2 & 3 are Ex. CW1/A to Ex. CW1/E respectively (original seen and returned).

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Statement of CW2 : Rashid s/o Sh. Bhoora, aged 28 years r/o H. No. 885, Block L-IIInd, Sangam Vihar, New Delhi.

ON S.A.

A settlement has been arrived at between me and the petitioners vide a Compromise Deed / MOU dated 07.02.2018, which bears my signatures thereon at points-A on each page thereof on Ex.CW2/A, which I have signed voluntarily of my own accord without any duress or coercion from any quarter. My affidavit annexed to the petition bears my signature thereon at points-A and B on Ex.CW2/B, which I have signed voluntarily of my own accord without any duress or coercion from any quarter. I was injured due to some misunderstanding and as the settlement has been arrived at between me and the petitioners, I do not want them to be punished as they are my neighbours and I have no opposition to the quashing of the FIR No. 36/2018, registered at PS Neb Sarai, under Sections 308/34 of the Indian Penal Code, 1860 and all consequential proceedings emanating therefrom. I have a chicken shop. I have made this statement voluntarily of my own accord without any duress or coercion from any quarter.

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RO & AC

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RAHEES & ORS versus

THE STATE GOVT OF NCT OF DELHI & ORS

**Statement of CW3 : Intejar Ahmad s/o Sh. Israr Ahmad, aged 24 years
r/o 704, Gali No. 8, Block-I, Sangam Vihar, New Delhi.**

ON S.A.

A settlement has been arrived at between me and the petitioners vide a Compromise Deed / MOU dated 07.02.2018, which bears my signatures thereon at points-B on each page thereof on Ex.CW2/A, which I have signed voluntarily of my own accord without any duress or coercion from any quarter. My affidavit annexed to the petition bears my signature thereon at points-A and B on Ex.CW3/A, which I have signed voluntarily of my own accord without any duress or coercion from any quarter. I was injured due to some misunderstanding and as the settlement has been arrived at between me and the petitioners, I do not want them to be punished as they are my neighbours and I have no opposition to the quashing of the FIR No. 36/2018, registered at PS Neb Sarai, under Sections 308/34 of the Indian Penal Code, 1860 and all consequential proceedings emanating therefrom. I have a chicken shop. I have made this statement voluntarily of my own accord without any duress or coercion from any quarter.

ANU MALHOTRA, J

RO & AC

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