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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.M.C. 1286/2018 & CRL.M.A. 4721/2018
RINKU @ RAJWANT SINGH Petitioner
Through: Mr. Anil Sharma, Adv.
versus

THE STATE GOVT OF NCT OF DELHI & ORS Respondent
Through: Mr. Kamal Kr. Ghei, APP for State
with SI Mukesh Yadav, PS Jagatpuri.

+ CRL.M.C. 4869/2017
SUMIT CHOPRA Petitioner
Through: Mr. Yogesh Kr. Rana, Adv.
versus

STATE OF DELHI & ANR Respondent
Through: Mr. Kamal Kr. Ghei, APP for State
with SI Mukesh Yadav, PS Jagatpuri.

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

% **08.05.2018**

CRL.M.C. 1286/2018 has been filed by the petitioner Rinku @ Rajwant Singh and CRL.M.C. 4869/2017 has been filed by Sumit Chopra, arrayed as accused in FIR No.274/2012, registered at PS Jagat Puri, under Sections 308/341/427/506/34 Indian Penal Code, 1860 of which both the petitioners seek quashing thereof submitting to the effect that a settlement has been arrived at with the respondent no.2, the complainant of the FIR in question in view of the settlement dated 06.03.2017 arrived at with Rinku,

petitioner of CRL.M.C. 1286/2018 placed on records of the said petition as EX.CW2/A and settlement dated 31.10.2017 arrived at with Shri Sumit Chopra, the petitioner of CRL.M.C. 4869/2017, the said settlement document being on the record as Ex.CW2/A in the said petition.

It has been submitted by the Investigating Officer that the petitioner Shri Sumit Chopra had been put in column no.12 in the charge-sheet in as much as there was no evidence found against him. The Investigating Officer has testified to the effect that as per the averments in the FIR apart from Rinku and Sumit Chopra i.e. the petitioners of CRL.M.C. 1286/2018 and of CRL.M.C. 4869/2017 respectively, both under consideration presently, there were two other persons named as accused in the FIR i.e. Shri Tinku who is not traceable and Aditya Rao Gautam @ Atul against whom the FIR has already been quashed vide order dated 22.08.2016 of this Court in Crl.M.C.1042/2016.

The respondent no.2 Shri Brij Mohan arrayed on record as the respondent no.2 in both the petitions and the complainant of the FIR in question, in his deposition on oath on examination by the Court has testified to having signed the respective settlement documents, placed on records of both the petitions, voluntarily of his own accord without any duress, pressure or coercion from any quarter. He further testified to the effect that he does not oppose the prayer made by the petitioners of each of the petitions seeking quashing of the FIR No.274/2012, registered at PS Jagat Puri, under Sections 308/341/427/506/34 Indian Penal Code, 1860 nor does he want the petitioners of both the petitions to be punished in relation thereto in view of the settlement arrived at between him and the accused persons i.e.

the petitioners of CrI. M.C. 1286/2018 and CrI. M.C. 4869/2017. He also testified to the effect that he is not aware of the whereabouts of any Tinku and that the FIR against Shri Aditya Rao Gautam has already been quashed.

It is informed on behalf of the State that there are no adverse antecedents against the petitioners of both the petitions.

The MLC bearing no.1884/12 of the injured/complainant as issued by Dr. Hedgewar Arogya Sansthan, KKD, Delhi dated 01.07.2012 indicates that the injuries caused to the injured/complainant were simple caused by a blunt object.

Taking into account the totality of the circumstances of the case, the non-opposition also on behalf of the State and the factum that the proceedings against the co-accused with similar allegations against him i.e. Aditya Rao Gautam have already been quashed vide order dated 22.08.2016 of this Court in CrI.M.C.1042/2016 with there being no other allegations, it is considered appropriate, in the circumstances of the case, to allow the prayer made by the petitioners of both the petitions i.e. CRL.M.C. 1286/2018 & CRL.M.C. 4869/2017 seeking quashing of the FIR No.274/2012, registered at PS Jagat Puri, under Sections 308/341/427/506/34 Indian Penal Code, 1860, which is thus quashed and so are the consequential proceedings emanating therefrom.

ANU MALHOTRA, J

MAY 08, 2018

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CRL.M.C. 1286/2018

RINKU @ RAJWANT SINGH

Vs. THE STATE GOVT OF NCT OF DELHI & ORS

Statement of CW1 : SI Mukesh Yadav, PS Jagatpuri, Delhi.

ON S.A.

On the basis of their identity proofs, I identify the petitioner no. 1 Shri Rinku @ Rajwant Singh, s/o Shri Balwant Singh as being the sole accused arrayed in FIR No.274/2012, registered at PS Jagat Puri, under Sections 308/341/427/506/34 Indian Penal Code, 1860. I also identify the respondent no.2 Shri Brijmohan present today in Court as being the complainant thereof. The proofs of identity of the petitioner in the form of photocopy of his Driving Licence is on the record as Ex. CW1/A and of the respondent no. 2 in the form of photocopy of his Election Commission I-Card is on the record as Ex. CW1/B. (Originals seen and returned.)

The persons named as accused in the FIR in question are Rinku @ Rajwant Singh, Sumit, one Aditya Rao Gautam @ Atul and Tinku. The said FIR against the accused Aditya Rao Gautam @ Atul has already been quashed vide order dated 22.08.2016 of this Court in Crl.M.C.1042/2016 and as per the charge-sheet, Tinku is not traceable.

ANU MALHOTRA, J

RO & AC

MAY 08, 2018

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CRL.M.C. 1286/2018

RINKU @ RAJWANT SINGH

Vs. THE STATE GOVT OF NCT OF DELHI & ORS

Statement of CW2 : Shri Brij Mohan, s/o Shri Gajraj Singh, aged 24 years, r/o 86/2, Gali No.4, Chandu Park, Krishan Nagar, New Delhi.

ON S.A.

I do not oppose the prayer made by Shri Rinku @ Rajwant Singh in Crl. M.C. 1286/2018 and prayer made by Shri Sumit Chopra in Crl. M.C. 4869/2017 seeking quashing of the FIR No.274/2012, registered at PS Jagat Puri, under Sections 308/341/427/506/34 Indian Penal Code, 1860 in view of the settlement arrived at between me and the petitioners of both the petitions nor do I want the petitioners of both the petitions to be punished in relation thereto.

My affidavit in support of the averments made in the petition bears my signature thereon at points-A & B on Ex.CW2/A. The compromise deed dated 06.03.2017 bears my signature thereon on each page at point-A thereof on Ex. CW2/B. I have signed both these documents voluntarily of my own accord without any duress, pressure or coercion from any quarter,

I am not aware of the whereabouts of Tinku. The FIR in question has already been quashed against Aditya Rao Gautam @ Atul.

I have studied upto standard 9th.

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

ANU MALHOTRA, J

RO & AC

MAY 08, 2018

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CRL.M.C. 4869/2017

SUMIT CHOPRA

Vs. STATE OF DELHI & ANR.

Statement of CW1 : SI Mukesh Yadav, PS Jagatpuri, Delhi.

ON S.A.

On the basis of their identity proofs, I identify the petitioner no. 1 Shri Sumit Chopra, s/o Shri Prem Chopra as being the sole accused arrayed in FIR No.274/2012, registered at PS Jagat Puri, under Sections 308/341/427/506/34 Indian Penal Code, 1860. I also identify the respondent no.2 Shri Brij Mohan present today in Court as being the complainant thereof. The proofs of identity of the petitioner in the form of photocopy of his Driving Licence is on the record as Ex. CW1/A and of the respondent no. 2 in the form of photocopy of his Election Commission I-Card is on the record as Ex. CW1/B. (Originals seen and returned.)

The persons named as accused in the FIR in question are Rinku @ Rajwant Singh, Sumit, one Aditya Rao Gautam @ Atul and Tinku. The said FIR against the accused Aditya Rao Gautam @ Atul has already been quashed vide order dated 22.08.2016 of this Court in Crl.M.C.1042/2016 and as per the charge-sheet, Tinku is not traceable.

The petitioner Shri Sumit Chopra had been put in column no.12 there being no evidence found against him.

ANU MALHOTRA, J

RO & AC

MAY 08, 2018

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CRL.M.C. 4869/2017

SUMIT CHOPRA

Vs. STATE OF DELHI & ANR.

Statement of CW2 : Shri Brij Mohan, s/o Shri Gajraj Singh, aged 24 years, r/o 86/2, Gali No.4, Chandu Park, Krishan Nagar, New Delhi.

ON S.A.

I do not oppose the prayer made by Shri Rinku @ Rajwant Singh in Crl. M.C. 1286/2018 and prayer made by Shri Sumit Chopra in Crl. M.C. 4869/2017 seeking quashing of the FIR No.274/2012, registered at PS Jagat Puri, under Sections 308/341/427/506/34 Indian Penal Code, 1860 in view of the settlement arrived at between me and the petitioners of both the petitions nor do I want the petitioners of both the petitions to be punished in relation thereto.

The compromise deed dated 31.10.2017 bears my signature thereon at point-A & B on Ex. CW2/A, which I have signed voluntarily of my own accord without any duress, pressure or coercion from any quarter,

I am not aware of the whereabouts of Tinku. The FIR in question has already been quashed against Aditya Rao Gautam @ Atul.

I have studied upto standard 9th.

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

ANU MALHOTRA, J

RO & AC

MAY 08, 2018