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

+ **CRL.M.C. 1335/2018**

PANKAJ YADAV

..... Petitioner

Through Petitioner with counsel (appearance
not given)

versus

DELHI STATE (GOVT OF NCT OF DELHI) & ANR... Respondent

Through Mr.Izhar Ahmad, APP for State with
SI Praveen Kumar PS Mandawali.
R2 in person

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

% **23.04.2018**

Vide the present petition, the petitioner Pankaj Yadav s/o Sh. Prahalad seeks quashing of FIR No. 402/15, registered at PS Mandawali Fazad Pur, under Sections 323/342/452/427/34 of the Indian Penal Code, 1860 for which the charge-sheet has been submitted under Sections 323/342/452/506/34 of the Indian Penal Code, 1860 submitting to the effect that a settlement has since been arrived at between the parties and all disputes between them have been amicably settled and there are no claims left between the parties in as much as the FIR in question has been registered in relation to the premises no. 133, Buddha Marg, Mandawali, Delhi, which the respondent no. 2 had sought to purchase at the 5th floor of the said premises for a sum of Rs.9 lakhs and bat paid Rs.2,50,000/- to the petitioner as earnest money and thereafter the deal could not done and the

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said amount of Rs.2,50,000/- has since been returned to the petitioner and the respondent no. 2 has returned the premises no. 133, Buddha Marg, Mandawali, Delhi back to the petitioner.

As per the averments made in the charge-sheet and as stated by the Investigating Officer and as stated by the respondent no. 2, the other persons mentioned in the FIR could not be traced out and the respondent no. 2 submits that she does not seek any action against them nor does she seek any action against the petitioner in view of the settlement arrived at between them.

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 in view of the settlement arrived at between the parties.

In view of the deposition of the respondent no.2, there appears no reason to disbelieve that she has arrived at the settlement voluntarily of her own accord without any duress, coercion or pressure from any quarter. It is considered appropriate to allow the prayer made by the petitioner seeking quashing of FIR No. 402/15, registered at PS Mandawali Fazad Pur, under Sections 323/342/452/427/34 of the Indian Penal Code, 1860 for which the charge-sheet has been submitted under Sections 323/342/452/506/34 of the Indian Penal Code, 1860 and all the consequential proceedings emanating therefrom against the petitioner. In view thereof the FIR in question and all

the consequential proceedings emanating therefrom against the petitioner Pankaj Yadav s/o Sh. Prahalad are quashed.

The petition is disposed of.

ANU MALHOTRA, J

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DELHI STATE (GOVT OF NCT OF DELHI) & ANR

Statement of CW1 : SI Praveen Kumar PS Mandawali Fazad Pur, Delhi.

ON S.A.

I identify the petitioner Pankaj Yadav s/o Sh. Prahalad as being the accused in relation to the FIR No. 402/15, registered at PS Mandawali Fazad Pur, under Sections 323/342/452/427/34 of the Indian Penal Code, 1860 for which the charge-sheet has been submitted under Sections 323/342/452/506/34 of the Indian Penal Code, 1860. The other accused persons not named in the said FIR, could not be traced out and have thus not been arrested. I also identify the respondent no. 2 Babita @ Yasmeen present today in the court as being the complainant of the said FIR. The proof of the identity of the petitioner and of the respondent no. 2 in the form of photocopies of Aadhar Card and Election Commission I-Card produced by them are Ex.CW1/A and Ex. CW1/B respectively (originals seen and returned).

**RO & AC
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ANU MALHOTRA, J

**Statement of CW2 : Smt. Babita @ Yasmeen w/o Sh. Rajesh Sharma
d/o Sh. Som Dutt, aged 25 years r/o A-331/1, Shankar Marg, Siddarth
Gali, Mandawali, Delhi.**

ON S.A.

I do not oppose the prayer made by the petitioner seeking quashing of the FIR No. 402/15, registered at PS Mandawali Fazad Pur, under Sections 323/342/452/427/34 of the Indian Penal Code, 1860 for which the charge-sheet has been submitted under Sections 323/342/452/506/34 of the Indian Penal Code, 1860 nor I want the petitioner to be punished in relation thereto nor any other persons, who have not been named specifically in the said FIR to be punished in relation thereto in view of the settlement arrived at between me and the petitioner dated 26.02.2018, which bears my signatures thereon at points-A on each page thereof on Ex.CW2/A. My affidavit annexed to the petition bears my signatures thereon at points-A and B 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 have since received the sum of Rs.2,50,000/-, which I have paid to the petitioner in relation to the premises no. 133, Buddha Marg, Mandawali, Delhi, which premises also have since been returned back by me to the petitioners. There are now no claims left against the petitioner. I have studied till standard 3rd. I have made this statement voluntarily of my own accord without any duress,

pressure or coercion from any quarter.

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ANU MALHOTRA, J