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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **CRL.M.C. 2415/2018 and Crl.M.A. No. 8627/2018**

**BRIJPAL YADAV & ANR** ..... Petitioners  
Through: Mr.Kunal Yadav, Avocate with  
petitioners No.1 and 2 in person.

versus

**STATE & ANR** ..... Respondents  
Through: Mr. Kamal Kr. Ghei, APP for State  
with SI Uma Singh, PS Gulabi Bagh  
Respondent No.2 in person

**CORAM:**  
**HON'BLE MS. JUSTICE ANU MALHOTRA**

**ORDER**  
% **08.05.2018**  
**Crl.M.A. No. 8627/2018**

Exemption allowed, subject to just exceptions.

The application is disposed.

**Crl.M.C. No. 2415/2018**

Vide the present petition, the petitioners seek quashing of FIR No.58/2010, under Sections 452/323/506/34 Indian Penal Code, 1860, Police Station Gulabi Bagh submitting *inter alia* to the effect that a settlement has been arrived at between the petitioners and the respondent No.2 and that no useful purpose would be served by the continuation of the proceedings in relation to the said FIR which is at the stage of prosecution evidence before the learned Trial Court.

The Investigating Officer of the case is present and has  
*Crl.M.C.No.2415/2018* *Page 1 of 3*

identified the petitioners No.1 and 2 and the respondent No.2 present in the Court today. Proofs of identities have been produced by the petitioners and the respondent No.2. The photocopies of the same are Ex. CW-1/A to Ex.CW-1/C.

The respondent No.2 in his examination on oath by the Court has affirmed having sworn his affidavit EX.CW-2/A annexed to the petition and also testified to having signed the compromise/settlement deed dated 7.11.2017, Ex.-CW-2/B executed between him and the petitioners voluntarily of his own accord without any duress, coercion or pressure from any quarter and submits that he does not oppose the prayer made by the petitioners No.1 and 2 nor does he want the petitioners No. 1 and 2 to be punished in relation thereto. The respondent No.2 further submits that he has studied till standard 12<sup>th</sup> and used to previously work as an Accounts Clerk with the Railways.

It is submitted by the learned counsel for the petitioners No.1 and 2 that the respondent No.2 in his cross-examination before the learned Trial Court has not supported the prosecution version.

Learned APP for the State also, in the facts and circumstances, does not oppose the prayer made by the petitioners No.1 and 2 seeking quashing of the FIR No.58/2010, under Sections 452/323/506/34 Indian Penal Code, 1860, Police Station Gulabi Bagh.

In view of the statement made by the respondent No.2 on the record, there appears no reason to disbelieve the statement made by the respondent No.2 that he has arrived at a settlement with the

petitioners voluntarily of his own accord without any duress, coercion or pressure from any quarter and that he does not seek the continuation of the proceedings in relation to the FIR in question before the learned Trial Court any further and that he has made his statement voluntarily of his own accord without any duress, pressure or coercion from any quarter.

The offences punishable under Sections 323/506/34 Indian Penal Code, 1860 are compoundable. The offence under Section 452 Indian Penal Code, 1860 being not compoundable, in view of the statement made by the respondent No.2, in the facts and circumstances of the case, who has further testified to the effect that the petitioners No.1 and 2 were his tenant in the premises in which he is now residing and he has now no problems with them, it is considered appropriate in the interest of justice to put a quietus to the litigation between the parties so that peace and harmony between them is restored and as there is no opposition on behalf of the State, in view of the statement made by the respondent No.2 and in the circumstances of the case, the FIR No.58/2010, under Sections 452/323/506/34 Indian Penal Code, 1860, Police Station Gulabi Bagh and all consequential proceedings emanating therefrom against the petitioners No. 1 and 2 *namely*, Brijpal Yadav and Sonu @ Harinder are thus quashed.

Copy of the order be given Dasti, as prayed.

**ANU MALHOTRA, J**

**MAY 08, 2018/SV**  
**Crl.M.CNo.2415/2018**

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

**Item No. 45**

**Crl. M.C. 2415/2018**

**BRIJPAL YADAV & ANR. Vs. STATE & ANR.**

**08.05.2018**

**CW-1 W/SI UMA SINGH, POLICE STATION GULABI BAGH  
ON S.A.**

I identify the petitioners No.1 and 2, *namely*, Brijpal Yadav and Sonu @ Harinder as being the accused and the respondent No.2 Dharam Dass, as being the complainant of the FIR No.58/2010, under Sections 452/323/506/34 Indian Penal Code, 1860, Police Station Gulabi Bagh present in the Court today. The original Election Commission Identity Card of the petitioner No.1, the original Adhaar Card of the Petitioner No.2, and of the respondent No.2 have been produced. The photocopies of the same qua the petitioners No.1 and 2 being Ex.CW-1/A and Ex.CW-1/B and of the respondent No.2 being Ex.CW-1/C respectively (Originals seen & returned.).

**RO & AC**

**08.05.2018**

**ANU MALHOTRA, J**

**IN THE HIGH COURT OF DELHI: NEW DELHI**  
**Item No. 45**

**Crl. M.C. 2415/2018**

**BRIJPAL YADAV & ANR. Vs. STATE & ANR.**

**08.05.2018**

**CW-2 DHARAM DASS S/O MAM RAJ, AGED 62 YEARS, R/O B-226,  
SARUP NAGAR, DELHI-42 PREVIOUSLY RESIDING AT 64/5,  
RAILWAY COLONY, GULABI BAGH, DELHI.  
ON S.A.**

I have studied till standard 12<sup>th</sup> and was an Accounts Clerk with the Railways.

My affidavit annexed to the petition bears my signatures thereon at points A and B on Ex.CW-2/A.

The compromise/ settlement deed dated 7.11.2017 executed between the petitioners nos. 1 and 2 and myself also bears my signatures thereon as visible at point 'A' on Ex.CW-2/B. I have signed both these document voluntarily of my own accord without any duress, pressure or coercion from any quarter.

The petitioner Nos.1 & 2, *namely*, Brijpal Yadav and Sonu @ Harinder were my tenants and have now since vacated the premises and I have now no problems with them.

In view of the settlement arrived at between me and the petitioners No.1 and 2, I do not oppose the prayer made by the petitioners No.1 and 2 seeking quashing of the FIR No. 58/2010, under Sections 452/323/506/34 Indian Penal Code, 1860, Police Station Gulabi Bagh nor do I want the

petitioners No.1 and 2 to be punished in relation thereto. I have stated so voluntarily of my own accord without any duress, pressure or coercion from any quarter.

**RO & AC**  
**08.05.2018**

**ANU MALHOTRA, J**