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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.M.C. 2362/2018 & CRL.M.A. 8398/2018, CRL.M.A.
9734/2018
SUKHMEET SINGH & ANR Petitioner
Through: Md. Azharuddin, Adv.

versus

THE STATE & ORS Respondent
Through: Mr. Kewal Singh Ahuja, APP for
State with SI Suresh Chand, PS Kirti
Nagar.
R-2 & 3 with counsel.

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

29.05.2018

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Vide the present petition, the petitioner seeks quashing of FIR No.410/2016, registered at PS Kirti Nagar, under Sections 324/325/341/506/34 Indian Penal Code, 1860 submitting to the effect that a settlement has been arrived at between the parties at the Delhi Mediation Centre, THC, Delhi, pursuant to which all disputes between the parties have been settled.

The Investigating Officer of the case present today in Court has identified the petitioner no.1 Shri Sukhmeet Singh, s/o Shri Joginder Singh, petitioner no.2 Shri Simarpreet Singh, s/o Shri Joginder Singh, as being the two accused arrayed in FIR No.410/2016, registered at PS Kirti Nagar, under Sections 324/325/341/506/34 Indian Penal Code, 1860 and has also identified the respondent no.2 Mr. Puneet as being the victim and the

respondent no.3 Mr. Himanshu as being the complainant thereof. The proofs of identity of the petitioner nos. 1 & 2 and of the respondent nos. 2 & 3 in the form of photocopies of their Aadhar Cards are on the record as Ex. CW1/A to Ex. CW1/D respectively. (Originals seen and returned.)

The respondent nos.2 & 3 in their examination on oath by the Court have affirmed the execution of the mediation settlement dated 01.05.2018 Ex.CW2/B arrived at the Delhi Mediation Centre, THC, Delhi and have affirmed having executed the affidavits in support of the averments made in the petition which are placed on record as Ex.CW2/A and Ex.CW3/A. They have testified to the effect that in terms of the settlement, a total sum of Rs.3 lakhs was to be paid by the petitioners i.e. Rs.1.50 lakhs to each of the respondent nos. 2 & 3 i.e. the injured and the complainant respectively, of which a sum of Rs.75,000/- each have been received by each of them previously and the balance sum of Rs.75,000/- each has been paid to each of the respondent nos. 2 & 3 vide bankers cheque bearing no.761441 dated 15.05.2018 in favour of Mr. Puneet drawn on the SBI Bank, copy of which is on the record as Ex.CW3/B and vide banker's cheque bearing no.761442 dated 15.05.2018 in favour of Mr. Himanshu drawn on the SBI Bank, copy of which is on the record as Ex.CW3/C.

Taking into account the factum that the respondent nos. 2 & 3 are both adequately educated and run respective business with the respondent no.2 running a coaching centre and the respondent no.3 running a construction business apparently they are capable of understanding the impact of the statements and there appears no reason to disbelieve their statements that they have arrived at a settlement with the petitioners

voluntarily of their own accord without any duress, coercion or pressure from any quarter.

On behalf of the State the 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.

On a consideration of the submissions made on behalf of either side and the deposition of the respondent nos. 2 & , it is considered appropriate to put a quietus to the litigation between the parties for maintenance of peace and harmony between them as no useful purpose would be served by continuation of the litigation in view of the settlement arrived at between the parties and as the scope of the conviction is wholly bleak. In view thereof the FIR No.410/2016, registered at PS Kirti Nagar, under Sections 324/325/341/506/34 Indian Penal Code, 1860 and all the consequential proceedings emanating therefrom against the petitioners are quashed.

Copy of the order be given Dasti, as prayed.

ANU MALHOTRA, J

MAY 29, 2018

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CRL.M.C.2362/2018

SUKHMEET SINGH & ANR

Vs. THE STATE & ORS

Statement of CW1 : SI Suresh Chand, PS Kirti Nagar, Delhi.

ON S.A.

I identify the petitioner no.1 Shri Sukhmeet Singh, s/o Shri Joginder Singh, petitioner no.2 Shri Simarpreet Singh, s/o Shri Joginder Singh, as being the two accused arrayed in FIR No.410/2016, registered at PS Kirti Nagar, under Sections 324/325/341/506/34 Indian Penal Code, 1860. I also identify the respondent no.2 Mr. Puneet as being the victim and the respondent no.3 Mr. Himanshu as being the complainant thereof. The proofs of identity of the petitioner nos. 1 & 2 and of the respondent nos. 2 & 3 in the form of photocopies of their Aadhar Cards are on the record as Ex. CW1/A to Ex. CW1/D respectively. (Originals seen and returned.)

There are no other persons arrayed as accused in the said FIR.

ANU MALHOTRA, J

RO & AC

MAY 29, 2018

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CRL.M.C.2362/2018

SUKHMEET SINGH & ANR

Vs. THE STATE & ORS

Statement of CW2 : Shri Himanshu, s/o Shri Ramavtar Dhingra, aged 25 years, r/o 3/25, Moti Nagar, New Delhi.

ON S.A.

I do not oppose the prayer made by the petitioners seeking quashing of the FIR No.410/2016, registered at PS Kirti Nagar, under Sections 324/325/341/506/34 Indian Penal Code, 1860 in view of the settlement arrived at between me and the petitioners nor do I want the petitioners to be punished in relation thereto.

My affidavit annexed to the petition bears my signature thereon at points-A & B on Ex.CW2/A. A mediation settlement dated 01.05.2018 arrived at at the Delhi Mediation Centre, THC, Delhi 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. Pursuant to the said settlement, I have received a sum of Rs.1.50 lakhs from the petitioners inasmuch as a sum of Rs.75,000/- has been received by me previously and the balance sum of Rs.75,000/- has been handed over to me by the petitioner today in Court in the form of Bankers Cheque bearing no.761442 dated 15.05.2018 in my favour drawn on the SBI Bank, copy of which is on the record as Ex. CW2/C. There are no claims of mine left against the petitioners now.

I am a graduate and run a coaching centre.

I have made this statement voluntarily of my own accord without any

duress, pressure or coercion from any quarter.

RO & AC
MAY 29, 2018

ANU MALHOTRA, J

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CRL.M.C.2362/2018

SUKHMEET SINGH & ANR

Vs. THE STATE & ORS

**Statement of CW3 : Shri Puneet, s/o Shri Vinod Khillar, aged 30 years,
r/o H.No.22/326, Moti Nagar, New Delhi.**

ON S.A.

The address given in the memo of parties is stated to be wrongly mentioned as H.No.22/232, Moti Nagar, Delhi and my correct address is H.No.22/326, Moti Nagar, New Delhi.

I do not oppose the prayer made by the petitioners seeking quashing of the FIR No.410/2016, registered at PS Kirti Nagar, under Sections 324/325/341/506/34 Indian Penal Code, 1860 in view of the settlement arrived at between me and the petitioners nor do I want the petitioners to be punished in relation thereto.

My affidavit annexed to the petition bears my signature thereon at points-A & B on Ex.CW3/A. A mediation settlement dated 01.05.2018 arrived at at the Delhi Mediation Centre, THC, Delhi bears my signature thereon on each page at point-B 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. Pursuant to the said settlement, I have received a sum of Rs.1.50 lakhs from the petitioners inasmuch as a sum of Rs.75,000/- has been received by me previously and the balance sum of Rs.75,000/- has been handed over to me by the petitioner today in Court in the form of Bankers Cheque bearing no.761441 dated 15.05.2018 in my favour drawn on the SBI Bank, copy of which is on the record as Ex.

CW3/B. There are no claims of mine left against the petitioners now.

I have studied upto standard 12th and run a construction business.

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 29, 2018**