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

+ CRL.M.C. 2946/2016

JOGINDER SINGH @ BOBBY & ORS

.... Petitioners

Through: Mr. Rakesh Kumar, Adv. along with
Petitioner nos. 1 to 4.

versus

STATE (N.C.T OF DELHI) & ANR

..... Respondent

Through: Mr. Kamal Kr. Ghei, APP for State.
Respondent No.2 in person.
SI Ajay Kumar, PS Rajouri Garden.

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

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14.03.2018

Vide the present petition, the petitioners seek quashing of the FIR No. 997/14, PS Rajouri Garden under Sections 341/506/34 of the Indian Penal Code, 1860 submitting to the effect that the settlement has been arrived at between the parties vide Memorandum of Understanding dated 24.12.2014. It has been submitted on behalf of the petitioners that the proceedings in relation to FIR 1583/14, PS Rajouri Garden registered pursuant to a complaint under Section 156 of the Cr.PC filed by the complainant thereof Mr. Joginder Singh arrayed as the petitioner No.1 in the present petition has also since been quashed which aspect is affirmed by the Investigating Officer. He has also identified respondent No.2 the complainant thereof. Vide proceedings dated 21.4.2017, a status report was directed to be submitted by the State and it was also directed that the Court be

apprised as to who was in possession of the Shop in question. A fresh status report was also directed to be filed on 8.1.2018 which has been submitted on the record on 8.3.2018. The IO has identified the signatures on the report of Inspector Keshav Mathur, Station House Officer, PS Rajouri Garden and verified the report given pursuant to the inquiry conducted by him on 7.3.2018 at the shop in question i.e. shop No. 12, MCD Market, Tagore Garden Extension and he has affirmed that the petitioner No.1, Sh.Joginder Singh S/o Trilok Singh resident of House No.105, Shyam Nagar, Tilak Nagar, New Delhi is in possession of the shop in question. Inter alia the Investigating Office states that the MOU dated 24.12.2014 had been verified and it was affirmed by both the parties that all the parties have settled with mutual consent.

The respondent no. 2 was examined by the Court on oath. He was identified by the Investigating Officer of the case and produced his Aadhar Card, photocopy of which is exhibited as CW1/C. The MOU dated 24.12.2014, Ex.CW2/B was affirmed by the respondent No.2 to having been signed by him and he also stated that he had signed the affidavit in support of the prayer made by the petitioners seeking quashing of the FIR No.997/2014, registered at PS Rajouri Garden under Sections 341/506/34 of the Indian Penal Code, 1860.

In view of the deposition of the respondent No. 2 and the verification report put forth under signatures of the Station House Officer concerned on verification conducted by the Investigating Officer and as there appears no reason to disbelieve the same and respondent No.2 does not oppose the prayer made by the petitioners seeking quashing of the FIR in question and all consequential

proceedings emanating therefrom and states that he does not want the petitioner nos. 1 to 4 to be punished in view of the settlement arrived at between the parties and as on behalf of the State, it is submitted that in view of the testimony of the respondent No.2 and the verification report put forth by the SHO, PS Rajouri Garden dated 8.3.2018, there is no opposition to the prayer. In the totality of the facts and circumstances of the case and also submissions on behalf of the petitioners that the present petition had been filed inasmuch as FIR No.1583/2014 had been registered at PS Rajouri Garden under Sections 465/482/402 of the Indian Penal Code, 1860 as a consequence of which the present proceedings in relation to the FIR 997/2014 seeking quashing of the offences punishable under Sections 341/506/34 of the Indian Penal Code, 1860 had been filed.

In view of the deposition of the respondent No.2 and the submissions made on behalf of the State and the verification conducted by the Investigating Officer as there is no reason to disbelieve the statement made by the respondent No.2, FIR no. 997/14, PS Rajouri Garden under Sections 341/506/34 of the Indian Penal Code, 1860 against the petitioner nos. 1 to 4 and all consequential proceedings emanating therefrom are quashed.

The petition is disposed of.

ANU MALHOTRA, J

MARCH 14, 2018/ak

CRL.M.C. 2946/2016

Statement of Sh. Subhash Rana S/o Late Sh.Bihari Lal Rana aged 60 years R/o D-552, Tagore Garden Extension, New Delhi on SA

I do not oppose the prayer made by the petitioners seeking quashing of the FIR No.997/2014, registered at PS Rajouri Garden under Sections 341/506/34 of the Indian Penal Code, 1860, nor do I want the petitioners to be punished in relation thereto in view of the settlement arrived at between me and the petitioners. An affidavit annexed to the petition bears my signatures at points A and B as Ex.CW2/A. The Memorandum of Understanding executed between me and the petitioners bears my signatures thereon at point A on Ex.CW2/B. I have signed it voluntarily of my own accord without any duress, coercion or pressure from any quarter and thus do not oppose the prayer made by the petitioners seeking quashing of the FIR in view of the settlement arrived at between us. I sign both in Hindi and English.

Proceedings in the FIR No. 1583/2014 registered at Police Station Rajouri Garden on the complaint of Sh. Joginder Singh, petitioner No.1 against me have been quashed.

**RO & AC
MARCH 14, 2018**

ANU MALHOTRA, J

CRL.M.C. 2946/2016

**Statement of SI Ajay Kumar, Police Station - Rajouri Garden
ON S.A.**

SI Ajay Kumar, Police Station - Rajouri Garden identifies the petitioner no.1, Sh.Joginder Singh S/o Sh. Trilok Singh, petitioner no.2, Sh. Devender Kumar Pahwa S/o Sh.Ishwar Dass, petitioner no.3, Sh. Shyambir Chandela S/o Sh. Rati Ram, petitioner no.4 S/o Sh. Radhey Shyam Awasthi, Rambabu Awasthi who are present today in Court who have been accused in FIR No. 997/2014, registered at PS Rajouri Garden under Sections 341/506/34 of the Indian Penal Code, 1860, and also identifies the respondent no.2 Mr. Subhash Rana who is present in Court and the complainant thereof in FIR No. 997/2014, PS Rajouri Garden registered under Sections 341/506/34 IPS, 1860 .

MOU dated 24.12.2014 placed on record has been verified by me. The report of the Station House Officer, PS Rajouri Garden Inspector Keshav Mathur has been given on the basis of the inquiry conducted by me. As per the MOU dated 24.12.2014 on verification it was found that all the parties have settled with free consent and on verification on 7.3.2018 by me it was found that the petitioner No.1, Sh.Joginder Singh S/o Trilok Singh resident of House No.105, Shyam Nagar, Tilak Nagar, New Delhi was found in possession of shop No. 12, MCD Market, Tagore Garden Extension.

(Aadhar Card bearing No. 4306 8157 3430 of the petitioner no.3, Shyam Bir has been produced and photocopy thereof be submitted. Petitioner No.4, Ram Babu has produced his Aadhar Card bearing No. 3510 7293 6148. Photocopy of the same be filed.) The proof of identity of Sh. Joginder Singh, and Sh. Devender Pahwa, in the form of photocopies of

their Aadhar Cards are on record as Ex.CW1/A and Ex.CW1/B and Sh. Subhash Rana, has produced his Election Commission Card, Ex. CW1/C (original seen and returned) and photo copy has already been filed.

RO & AC
MARCH 14, 2018

ANU MALHOTRA, J