

\$~16

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

+ CRL.M.C. 4101/2016 & CRL.M.A. 17112/2016

SHANU

..... Petitioner

Through Mohd. Akhtar, Mr. Arif Shakeel,
Advts. with petitioner in person.

versus

STATE (NCT OF DELHI) & ANR

..... Respondent

Through Mr. Raghuvinder Varma, APP for
State with SI Rishi Sharma, PS Jamia
Nagar, Delhi.
R2 in person.

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

%

16.01.2018

Vide the present petition, the petitioner Shanu s/o Mr. Nanhe Miyan seeks quashing of the FIR No. 626/15, initially registered under Section 324 of the Indian Penal Code, 1860 and then converted to under Section 326 of the Indian Penal Code, 1860 at PS Jamia Nagar.

The Investigating Officer has identified the petitioner Shanu s/o Mr. Nanhe Miyan as being the only accused in relation to the FIR No. 626/15, initially registered under Section 324 of the Indian Penal Code, 1860 and then converted to under Section 326 of the Indian Penal Code, 1860 at PS Jamia Nagar. He has also identified the respondent no. 2 Danish Alam present today in the court i.e. the complainant of the FIR No. 626/15, initially registered under Section 324 of the Indian Penal Code, 1860 and then converted to one under Section 326 of the Indian Penal Code, 1860 at PS Jamia Nagar. Photocopies of the proof of identity of the petitioner and

respondent no. 2 are on the record, which are Ex.CW1/A to Ex.CW1/B respectively (originals of which have been seen and returned).

The respondent no. 2 on examination by the Court has testified to having sworn his affidavit annexed to the petition Ex.CW2/A and stated that there was a quarrel on a trivial issue with the petitioner and the contents of his affidavit had been read over and explained to him and only then he was asked to sign the same only if he wanted to compromise the matter with the petitioner stated that only then he signed the said affidavit and the respondent no. 2 stated that he does not oppose the prayer made by the petitioner seeking quashing of the FIR No. 626/15, initially registered under Section 324 of the Indian Penal Code, 1860 and then converted to under Section 326 of the Indian Penal Code, 1860 at PS Jamia Nagar nor does he want the petitioner to be punished.

Learned APP for the State also in the circumstances of the case does not oppose the prayer made by the petitioners seeking quashing of the FIR No. 626/15, initially registered under Section 324 of the Indian Penal Code, 1860 and then converted to under Section 326 of the Indian Penal Code, 1860 at PS Jamia Nagar.

In view of the submissions made by the respondent no. 2 and due identification of the petitioner and the respondent no. 2 which are on record in the form of Ex.CW1/A to Ex.CW1/B respectively, originals of which have been seen and returned, and as testified by the respondent no. 2 that the quarrel between him and the petitioner was due to trivial issue, to maintain peace and harmony between the petitioner and the respondent no. 2, it is thus considered appropriate in the interest of justice that the prayer made by the petitioner Shanu s/o Mr. Nanhe Miyan seeking quashing of the FIR No.

626/15, initially registered under Section 324 of the Indian Penal Code, 1860 and then converted to one under Section 326 of the Indian Penal Code, 1860 at PS Jamia Nagar and all consequential proceedings emanating therefrom is allowed and thus the FIR No. 626/15, initially registered under Section 324 of the Indian Penal Code, 1860 and then converted to under Section 326 of the Indian Penal Code, 1860 at PS Jamia Nagar and all consequential proceedings emanating therefrom against the petitioner Shanu s/o Mr. Nanhe Miyan are quashed.

The petition is disposed of.

Copy of the order be given *Dasti*, as prayed.

ANU MALHOTRA, J

JANUARY 16, 2018/MK

CRL.M.C. 4101/2016 & CRL.M.A. 17112/2016
SHANU versus STATE (NCT OF DELHI) & ANR

Statement of the CW1 : SI Rishi Sharma, PS Jamia Nagar, Delhi
ON S.A.

I identify the petitioner Shanu s/o Mr. Nanhe Miyan as being the only accused in relation to the FIR No. 626/15, initially registered under Section 324 of the Indian Penal Code, 1860 and then converted to under Section 326 of the Indian Penal Code, 1860 at PS Jamia Nagar. I also identify the respondent no. 2 Danish Alam present today in the court i.e. the complainant of the FIR No. 626/15, initially registered under Section 324 of the Indian Penal Code, 1860 and then converted to under Section 326 of the Indian Penal Code, 1860 at PS Jamia Nagar. Photocopies of the proof of identity of the petitioner and respondent no. 2 are on the record, which are Ex.CW1/A to Ex.CW1/B respectively (originals of which have been seen and returned).

ANU MALHOTRA, J

RO & AC
JANUARY 16, 2018/MK

CRL.M.C. 4101/2016 & CRL.M.A. 17112/2016
SHANU versus STATE (NCT OF DELHI) & ANR

**Statement of the CW2 : Danish Alam s/o Sh. Shamsuddin r/o 854, Gali
No. 22, Zakir Nagar, Jamia Nagar, Delhi.**

ON S.A.

My affidavit annexed to the petition bears my signature thereon at points-A and B on Ex.CW2/A, which I have signed voluntarily of my own accord without any duress, pressure or coercion from any quarter. I have studied till 9th and I am preparing for 10th by an Open School. I do not know English but I have been read over and explained the contents of my affidavit and then I was asked to sign the same only if I wanted to compromise the matter with the petitioner and then only I signed my affidavit. I do not oppose the prayer made by the petitioner seeking quashing of the FIR No. 626/15, initially registered under Section 324 of the Indian Penal Code, 1860 and then converted to under Section 326 of the Indian Penal Code, 1860 at PS Jamia Nagar nor I do want the petitioner to be punished. There was a quarrel on a trivial issue with the petitioner. I have made this statement voluntarily of my own accord without any duress, pressure or coercion from any quarter.

ANU MALHOTRA, J

**RO & AC
JANUARY 16, 2018/MK**