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

+ **CRL.M.C. 4901/2016 & CRL.M.A.20296/2016**

SAHIL PURI

..... Petitioner

Through Mr. Mohit Mathur, Sr. Adv. with Mr.
Vikas Manchanda, Adv. along with
petitioner in person

versus

STATE OF DELHI & ANR

..... Respondents

Through Mr. Ashish Dutta, APP
Mr. Anil Kumar Tomar, Adv. for R-2
along with respondent No.2 in person
SI Yugendra, PS Gulabi Bagh

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

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10.04.2018

Vide the present petition, the petitioner seeks quashing of FIR No.73/2013 of PS Gulabi Bagh under Sections 332, 186 and 353 of the Indian Penal Code, 1860 submitting to the effect that settlement has been arrived at between the petitioner and respondent No.2 vide a compromise deed dated 23.03.2016 which is placed on record and both the petitioner and respondent No.2 have amicably settled to abandon all the claims inasmuch as the petitioner has also undertaken to withdraw his complaint in relation to proceedings under Section 156(3) Code of Criminal Procedure, 1973 pending before the learned MM Ms. Chetna Singh at the Tis Hazari Courts.

The respondent No.2 present in Court on examination by the

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Court has affirmed the aspect of settlement arrived at between the petitioner and himself and has annexed compromise deed dated 23.03.2016 Ex.CW2/A. As the petition is indicated to have been filed seeking quashing of FIR No.73/2013 under Sections 186/353/332 of the Indian Penal Code, 1860 vide proceedings dated 08.02.2018 it was considered essential to peruse the MLC in relation to the stated injuries as per the status report dated 14.03.2017 put forth by the Court and it has thus been produced which indicate that as per the MLC No.1347/13 of the Hindu Rao Hospital of Constable Praveen dated 28.02.2013 there were no fresh external injuries seen.

Respondent No.2 in his examination on oath has also testified to the effect that there was no injury caused to him. The report under Section 173 of the Code of Criminal Procedure, 1973 a copy of which has been submitted on record during the course of the testimony of the Investigating Officer who has identified the petitioner and respondent No.2 on the basis of the proofs of their identity being on record copy of which is Ex.CW1/B indicates that though it has been stated that the police report alleging commission of offence punishable under Sections 186/353/332 of the Indian Penal Code, 1860, it has been stated that nature of the injury opined by the doctor was simple, yet a perusal of the MLC on the record indicates that it was on the MLC No.1345/13 of the petitioner Sahil Puri in which the injuries were opined to be simple and as regards the respondent No.2 Praveen Kumar the MLC No.1347/13 has already observed hereinabove indicated above that there were no fresh injuries seen on

the person of the constable. It has also been stated by the respondent No.2 in his examination on oath that he has since left the services of Delhi Police and is now working as a teacher and that he is a graduate and has also done his B.Ed. and that he does not oppose the prayer made by the petitioner in relation to the quashing of the FIR, in view of the settlement arrived at between the parties.

Reliance has inter alia been placed on behalf of the petitioner on the verdicts of this Court in ***Birender Sangwan @ Virender Vs. State (NCT of Delhi) & Anr. in Crl. M.C. 4669/2017, Utkarsh Tuteja & Anr. vs. State Government of NCT of Delhi in W.P.(Crl.) 4755/2013 2015 [3] JCC 1842, Surinder Bhardwaj vs. State 2014 [4] JCC 2406 in Bail Appl.1276/2014*** and also on the verdict in ***Jayant Singh & Ors. vs. State and Anr. in W.P.(Crl.)3064/2015*** submitting to the effect that the aforesaid verdicts relate qua the offences punishable under Sections 186/353/332 of the Indian Penal Code, 1860 which have been permitted to be quashed in view of the settlements arrived at between the parties.

Taking into account the factum that the respondent No.2 is no longer working with the Delhi Police that there is no opposition by the State and the factum also that there was no injury whatsoever sustained by the respondent No.2 inasmuch as the MLC on the charge sheet rather indicates injury to the petitioner, the settlement arrived at between the parties and the factum that the proceedings are pending since the year 2016 with the FIR being lodged in the year 2013, it

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is considered appropriate to put a quietus to the litigation between the parties. In view thereof FIR No. 73/2013 of PS Gulabi Bagh under Sections 332, 186 and 353 of the Indian Penal Code, 1860 in the facts and circumstances of the instant case is quashed and so are all consequential proceedings emanating therefrom.

The Trial Court Record be returned.

The petitioner shall remain bound by the undertaking of withdrawal of the proceedings before Ms. Chetna Singh, MM qua the criminal complaint filed by the respondent No.2 and shall file the compliance report within a week.

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Statement of CW1 : SI Yugendra, PS Gulabi Bagh, Delhi.

ON S.A.

I identify the petitioner Sahil Puri s/o Sh. Surinder Puri as being the accused in relation to the FIR No. 73/2013, registered at P.S. Gulabi Bagh, under Sections 186/353/332 of the Indian Penal Code, 1860. I also identify the respondent no. 2 Ct. Parveen present today in the court i.e. the complainant therein. The petitioner has produced his Election I-Card and Bar Council of Delhi I-Card and photocopies of which are marked as Ex.CW1/C and Ex.CW1/D respectively (original seen and returned). Photocopy of the proof of identity in the form of Aadhar card of the petitioner has been produced. The photocopy of the same is Ex. CW1/A (original seen and returned).

As per the MCL No.1347/13 of the Hindu Rao Hospital, Delhi of respondent No.2 no fresh external injuries were seen. Copy of the said chargesheet submitted on behalf of the State is taken on record as Ex.CW1/B. The original MLC has been seen and returned as much as the original Trial Court Record has been requisitioned and produced.

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Statement of CW3 : Sahil Puri S/o Surinder Puri, aged 27 years R/o 18/374, Bagh Kare Khan, Kishan Ganj, Delhi-110007.

ON S.A.

I undertake to withdraw the criminal complaint under Section 156(3) of the Criminal Procedure Code, 1973 for which proceedings are pending. Under Section 156(3) Criminal Procedure Code, 1973 a complaint filed by me against the respondent herein pending before the Court of the MM Ms. Chetna Singh at Tis Hazri Courts.

My signature thereon at point B on Ex.CW2/A, the Compromise Deed dated 23.03.2016 which I have signed voluntarily of my own accord without any duress or coercion from any quarter. I undertake to abide by its terms.

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Statement of CW2 : Ct. Parveen S/o Atma Ram, aged 34 years R/o B-154, Gali No.11 Johri Pur Extension, Delhi-94.

ON S.A.

I am presently a primary teacher. Previously I was employed as a constable in the Delhi Police. Since I have left the service of Delhi Police and a settlement has been arrived at between me and the petitioner, I do not oppose the prayer made by the petitioner to the quashing of the FIR No. 73/2013, registered at P.S. Gulabi Bagh, under Sections 186/353/332 of the Indian Penal Code, 1860. I suffered no injuries in the incident. I do not want the petitioner to be punished in relation thereto. I have made this statement voluntarily of my own accord without any duress or coercion from any quarter. The compromise deed/agreement dated 23.03.2016 bears my signature thereon at point A on Ex.CW2/A, which I have signed voluntarily of my own accord without any duress or coercion from any quarter. I am a graduate with B.Ed. and I am working as a teacher since 2016.

ANU MALHOTRA, J

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