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

+ **W.P.(CRL) 2809/2017**

HUNNY & ANR

..... Petitioners

Represented by: Mr. R.K.Lamba, Advocate with
petitioners in person.

versus

STATE & ANR

..... Respondents

Represented by: Ms. Kamna Vohra, Additional
Standing Counsel for State with
ASI Naresh Kumar, PS Baba
Haridas Nagar.
Ms. Shweta Tyagi, Advocate
for respondent Nos. 2 and 3
with respondent No. 2 and 3 in
person.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

% **10.05.2018**

Crl. M.A.No. 8158/2018 (Exemption)

Allowed, subject to all just exceptions.

Crl. M.A. No.8157/2018 (impleadment)

By this application the petitioners seeks impleadment of the third accused Pramod as petitioner No.3 as Pramod is also an accused in the FIR in question.

Application is allowed permitting Pramod to be impleaded as petitioner No.3. Application is disposed of.

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On the last date learned Additional Standing Counsel for State on instructions pointed out that besides the two petitioners one more person is an accused. Hence the petitioners have moved Crl. M.A. No. 8157/2018 which has been allowed by this Court.

Today learned Additional Standing Counsel for State on instructions submits that the respondent No. 2 in the present petition is victim whereas the complaint was lodged by brother of respondent No.2 namely Devinder who has not been impleaded as a party.

Faced with this situation, learned counsel for the petitioners has handed over a fresh amended memo of parties which is taken on record.

By the present petition the petitioners seek quashing of FIR No. 85/2017 under Sections 308/34 IPC registered at PS Baba Haridas Nagar, Delhi on the complaint of respondent No.3 Devinder and the proceedings pursuant thereto on the ground that the parties have settled the matter.

Learned Additional Standing Counsel for the State on instructions from Investigating Officer submits that in the above-noted FIR the three petitioners are involved in the above noted FIR and petitioner No.1 is a minor and the respondent No. 2 the victim and respondent No.3 the complainant. She further states that after investigation charge sheet has been filed for offence punishable under Sections 307/342/34 IPC against petitioner Nos. 2 and 3 and a report before the Juvenile Justice Board qua petitioner No.1 who is minor as respondent No.2 received grievous injuries.

Respondent Nos. 2 and 3 are present in Court and are identified by the learned counsel and the Investigating Officer. They state that they have

settled the matter with the petitioners vide Memorandum of Understanding dated 16th September, 2017. The petitioners have already spent a sum of ₹8.50 lakhs on the medical expenses of respondent No.2 and are paying further compensation of ₹9 lakhs out of which they have already received a sum of ₹90,000/- and ₹1.10 lakhs has been handed over to them in cash today in Court. The balance amount of ₹7 lakhs has been received today in Court by way of Demand Draft Nos. 739144, 739145, 739146 dated 7th May, 2018 drawn on Punjab National Bank, Lado Sarai, New Delhi and Manager's Cheque No.043872 dated 8th May, 2018 drawn on HDFC Bank, Bhikaji Cama Place, New Delhi. In terms of the settlement they do not wish to pursue the above-noted FIR and the proceedings pursuant thereto as they have been adequately compensated and will abide by the terms of settlement.

Petitioners are present in Court and are identified by the learned counsel. Petitioner No.2 on his behalf and as natural guardian of petitioner No.1 and petitioner No.3 affirm the statement of respondent Nos.2 and 3 and undertake to abide by the terms of the settlement arrived at between the parties.

In view of the fact that the parties have amicably resolved their differences of their own free will, volition and without any coercion and no useful purpose will be served in continuance of the proceedings, it would be in the interest of justice to quash the abovementioned FIR and the proceedings pursuant thereto. There is no legal impediment in quashing the FIR in question.

Consequently, FIR No. 85/2017 under Sections 308/34 IPC registered at PS Baba Haridas Nagar, Delhi and proceedings pursuant thereto under Sections 307/342/34 IPC are hereby quashed.

Parties have signed this order sheet in acknowledgment of their statements made before this Court.

Petition is disposed of. Order dasti.

MUKTA GUPTA, J.

MAY 10, 2018/‘vn’