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

+ **CRL.M.C. 5038/2017**

RAVINDER & ORS

..... Petitioner

Through Mr. Girish Kumar, Adv. with
petitioners in person.

versus

THE STATE GOVT OF NCT OF DELHI & ANR..... Respondent

Through Mr. Ashish Dutta, APP for State with
SI Anuj Yadav, PS Chhawla.
R2 & R3 in person.

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

% **24.01.2018**

Vide the present petition, the petitioner no. 1 Ravinder s/o Sh. Moji, the petitioner no. 2 Subhash Chander Yadav s/o Sh. Chetram Yadav and the petitioner no. 3 Chetram Yadav s/o Sh. Nihal Singh seek quashing of the FIR No. 206/11, registered at PS Chhawla, under Sections 324/325/341/506/34 of the Indian Penal Code, 1860 submitting to the effect that a settlement has been arrived at between the petitioners and the respondents no. 2 & 3 amicably vide a Settlement Deed / Memo of Understanding dated 07.09.2017 and that there are no disputes left between them.

The Investigating Officer of the case has identified the petitioner no. 1 Ravinder s/o Sh. Moji, the petitioner no. 2 Subhash Chander Yadav s/o Sh. Chetram Yadav and the petitioner no. 3 Chetram Yadav s/o Sh. Nihal Singh as being the only accused in relation to the FIR No. 206/11, registered at PS

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Chhawla, under Sections 324/325/341/506/34 of the Indian Penal Code, 1860 and has stated further to the effect that two other persons not named in the said FIR were also accused but could not be charge-sheeted as they could not be traced out. The Investigating Officer has also identified the respondent no. 2 Sanjay Yadav s/o Sh. Bharat Singh i.e. the complainant of the FIR No. 206/11, registered at PS Chhawla, under Sections 324/325/341/506/34 of the Indian Penal Code, 1860 and also the co-injured Ashok Yadav s/o Sh. Fateh Singh present today in the Court. The proof of the identity of the petitioners no. 1 to 3 and the respondents no. 2 & 3 have been produced, photocopies of which are Ex.CW1/A to Ex.CW1/D, originals of which have been seen and returned.

The respondent no. 2 Sanjay Yadav s/o Sh. Bharat Singh i.e. the complainant of the said FIR along with the co-injured Ashok Yadav s/o Sh. Fateh Singh are also present today in the Court and have been examined by the Court and they have testified that their affidavits annexed to the petition bears their signatures thereon at points-A and B on Ex.CW2/A & Ex.CW3/A respectively and they have also testified to having signed a Settlement Deed / Memo of Understanding dated 07.09.2017 voluntarily of their own accord without any duress, pressure or coercion from any quarter. The respondent no. 2 has testified to the effect that the petitioner no. 3 Chetram Yadav is his paternal uncle (tauji) and the petitioner no. 1 Ravinder and the petitioner no. 2 Subhash Chander Yadav are his cousins. The respondent no. 3 has testified to the effect that the petitioner no. 3 Chetram Yadav is his paternal grand father (Dadaji) and the petitioner no. 1 Ravinder and the petitioner no. 2 Subhash Chander Yadav are his parental uncle (Chachaji) and the

respondents no. 2 & 3 have categorically testified to the effect that they do not oppose the prayer made by the petitioners no. 1 to 3 seeking quashing of the FIR No. 206/11, registered at PS Chhawla, under Sections 324/325/341/506/34 of the Indian Penal Code, 1860 nor do they want the petitioner nos. 1 to 3 to be punished in relation thereto as they are the relatives. The respondent no. 2 has testified to the effect that he has studied till 10th class and he is running a grocery shop and the respondent no. 3 has testified to the effect that he has studied till 12th class and he is doing a private job.

Learned APP for the State also in the circumstances of the case does not oppose the prayer made by the petitioners no. 1 to 3 seeking quashing of the FIR No. 206/11, registered at PS Chhawla, under Sections 324/325/341/506/34 of the Indian Penal Code, 1860 in view of the submissions made by the parties and as testified by the respondents no. 2 & 3 and as indicated in the Settlement Deed / Memo of Understanding dated 07.09.2017 Ex.CW2/B and as also indicated in the accompanying affidavits of the respondents no. 2 & 3 Ex.CW2/A & Ex.CW3/A respectively.

Taking into account the statement made by the respondent no.2 & the respondent no.3, there appears no reason to disbelieve the said statements made by the respondent no.2 & the respondent no.3 that they have arrived at a settlement voluntarily of their own accord without any duress or coercion from any quarter, and apparently the respondents no. 2 & 3 are educated to the extent that they are able to understand their depositions that are made by them and thus to maintain peace and harmony between the parties, who are related to each other, it is thus considered appropriate in the interest

of justice that the prayer made by the petitioners seeking quashing of the FIR No. 206/11, registered at PS Chhawla, under Sections 324/325/341/506/34 of the Indian Penal Code, 1860 and all consequential proceedings emanating therefrom is allowed and thus the FIR No. 206/11, registered at PS Chhawla, under Sections 324/325/341/506/34 of the Indian Penal Code, 1860 and all consequential proceedings emanating therefrom against the petitioner no. 1 Ravinder s/o Sh. Moji, the petitioner no. 2 Subhash Chander Yadav s/o Sh. Chetram Yadav and the petitioner no. 3 Chetram Yadav s/o Sh. Nihal Singh are quashed.

The petition is disposed of.

ANU MALHOTRA, J

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RAVINDER & ORS versus

THE STATE GOVT OF NCT OF DELHI & ANR

Statement of CW1 : SI Anuj Yadav, PS Chhawla, Delhi

ON S.A.

I identify the petitioner no. 1 Ravinder s/o Sh. Moji, the petitioner no. 2 Subhash Chander Yadav s/o Sh. Chetram Yadav and the petitioner no. 3 Chetram Yadav s/o Sh. Nihal Singh as being the only accused in relation to the FIR No. 206/11, registered at PS Chhawla, under Sections 324/325/341/506/34 of the Indian Penal Code, 1860. There were other two unknown accused arrayed in the said FIR, who have not been traced out and thus there was no charge-sheet filed against them. Charges have not been framed in the instant case.

I also identify the respondent no. 2 Sanjay Yadav s/o Sh. Bharat Singh i.e. the complainant of the FIR No. 206/11, registered at PS Chhawla, under Sections 324/325/341/506/34 of the Indian Penal Code, 1860 and also the injured Ashok Yadav s/o Sh. Fateh Singh present today in the Court.

Photocopies of the proof of identity of the petitioners no. 1 to 3 and the respondent no. 2 are on the record, which are Ex.CW1/A to Ex.CW1/D (originals of which have been seen and returned). The respondent no. 2 has brought his original Aadhar card bearing no. 31953478076, photocopy of the same be filed.

ANU MALHOTRA, J

RO & AC

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CRL.M.C. 5038/2017

RAVINDER & ORS versus

THE STATE GOVT OF NCT OF DELHI & ANR

**Statement of CW2 : Sanjay Yadav s/o Sh. Bharat Singh, aged 29 years
r/o 310, Holi Chowk, Ghuman Hera, South West, Delhi – 110073.**

ON S.A.

My affidavit annexed to the petition bears my signature thereon at points-A and B on Ex.CW2/A. The Settlement Deed / Memo of Understanding dated 07.09.2017 also bears my signature thereon at points-A on each page on Ex.CW2/B. I have signed both these documents voluntarily of my own accord without any duress, pressure or coercion from any quarter. The petitioner no. 3 Chetram Yadav is my paternal uncle (tauji) and the petitioner no. 1 Ravinder and the petitioner no. 2 Subhash Chander Yadav are my cousins. I thus do not oppose the prayer made by the petitioners no. 1 to 3 seeking quashing of the FIR No. 206/11, registered at PS Chhawla, under Sections 324/325/341/506/34 of the Indian Penal Code, 1860 nor do I want the petitioner nos. 1 to 3 to be punished in relation thereto. I have studied till 10th class and I am running a grocery shop. 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 24, 2018/MK

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CRL.M.C. 5038/2017

RAVINDER & ORS versus

THE STATE GOVT OF NCT OF DELHI & ANR

Statement of CW3 : Ashok Yadav s/o Sh. Fateh Singh, aged 29 years r/o 271, Holi Chowk, Ghuman Hera, South West, Delhi – 110073.

ON S.A.

My affidavit annexed to the petition bears my signature thereon at points-A and B on Ex.CW3/A. The Settlement Deed / Memo of Understanding dated 07.09.2017 also bears my signature thereon at points-B on each page on Ex.CW2/B. I have signed both these documents voluntarily of my own accord without any duress, pressure or coercion from any quarter. The petitioner no. 3 Chetram Yadav is my paternal grand father (Dadaji) and the petitioner no. 1 Ravinder and the petitioner no. 2 Subhash Chander Yadav are my parental uncle (Chachaji). I thus do not oppose the prayer made by the petitioners no. 1 to 3 seeking quashing of the FIR No. 206/11, registered at PS Chhawla, under Sections 324/325/341/506/34 of the Indian Penal Code, 1860 nor do I want the petitioner nos. 1 to 3 to be punished in relation thereto. I have studied till 12th class and I am doing a private job. 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 24, 2018/MK