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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CRL.M.C. 96/2018

LAXMAN PATHAK

..... Petitioner

Through: Mr. Sunil, Advocate.

versus

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

Through: Mr. Panna Lal Sharma, APP for State
with SI Mahendra, PS Keshav Puram.
Mr. Manjeet Singh, Adv for R-2.

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

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12.03.2018

Mr. Manjeet Singh, learned counsel appearing for the respondent no. 2 submits that he will be filing his vakalatnama during the course of the day.

Vide the present petition, the petitioner seeks quashing of the FIR No.343/2014, PS Keshav Puram under Sections 308 of the Indian Penal Code, 1860 submitting to the effect that a settlement has been arrived at between the parties and no fruitful purpose will be served in continuation of the proceedings any further.

The Investigating Officer of the case is present and has identified the petitioner Laxman Pathak as being the sole accused arrayed in FIR No.343/2014, PS Keshav Puram under Sections 308 of the Indian Penal Code, 1860. He has also identified the respondent no. 2, Babu Yadav @ Babu Lal Prasad being the complainant of the said FIR present in Court today. The proof of identity of the petitioner

and of the respondent no. 2 in the form of their Aadhar Cards have been produced in original and the photocopies of the same are on the record as Ex. CW1/A and Ex. CW1/B, originals of which have been seen and returned.

The respondent no. 2 on her examination by the Court on oath has testified to having sworn her affidavit as Ex.CW2/A annexed to the petition as bearing her signatures thereon at points A & B and also testified to having signed the compromise deed dated 06.09.2017, which bears her signatures at point A thereon on Ex. CW2/B. She has stated that vide the compromise deed, a settlement has been arrived at between her and the petitioner and she does not seek the continuation of any further proceedings in FIR No. 343/2014, PS Keshav Puram under Sections 308 of the Indian Penal Code, 1860 against the petitioner nor does she want him to be punished in relation thereto.

On behalf of the State, there is no opposition to the prayer made by the petitioner seeking quashing of the FIR in question in view of the settlement arrived at between the parties. The MLC bearing no. 79824 dated 05.06.2014 issued by Babu Jagjivan Ram Memorial Hospital, Delhi produced by the State indicates that the injuries sustained by the respondent no. 2 were simple caused with blunt object, copy of the same was placed on the record.

In view of the deposition of the respondent no. 2, there appears no reason to disbelieve his statement that he has arrived at a settlement with the petitioner voluntarily of his own accord without any duress, coercion or pressure from any quarter and he does not oppose the prayer made by the petitioner seeking quashing of the FIR

in question and all consequential proceedings emanating therefrom.

In view thereof, the FIR No.343/2014, PS Keshav Puram under Sections 308 of the Indian Penal Code, 1860 and all consequential proceedings emanating therefrom are thus quashed.

The petition is disposed of.

Copy of the order be given Dasti, as prayed.

ANU MALHOTRA, J

MARCH 12, 2018
NC

Item No. 4
CRL.M.C. 96/2018
LAXMAN PATHAK Vs. STATE & ANR.
12.03.2018

CW-1 ASI Mahendra, Police Station Keshav Puram.

ON S.A.

I identify the petitioner Laxman Pathak as being the sole accused arrayed in FIR No.343/2014, PS Keshav Puram under Sections 308 of the Indian Penal Code, 1860. I also identify the respondent no. 2, Babu Yadav @ Babu Lal Prasad being the complainant of the said FIR present in Court today. The proof of identity of the petitioner and of the respondent no. 2 in the form of photocopies of their Aadhar Cards are on the record as Ex. CW1/A and Ex. CW1/B respectively. (Original seen and returned).

RO & AC
MARCH 12, 2018.

ANU MALHOTRA, J

Item No. 4
CRL.M.C. 96/2018
LAXMAN PATHAK Vs. STATE & ANR.
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Statement of CW2 : Mr. Babu Yadav @ Babu Lal Prasad, s/o Sh. Inder Yadav, aged 45 years, r/o Gaya District, PS Wazir Ganj, Post Amity, Bihar.

ON S.A.

My affidavit annexed to the petition bears my signatures at points A & B thereon on Ex. CW2/A. Though I cannot read English, I do not oppose the prayer made by the petitioner seeking quashing of the FIR No.343/2014, PS Keshav Puram under Sections 308 of the Indian Penal Code, 1860 qua the injuries sustained by me which is as per the MLC bearing no. 79824 dated 05.06.2014 issued by Babu Jagjivan Ram Memorial Hospital, Delhi were simple caused with blunt object. I also do not want him to be punished in relation thereto, in view of the settlement arrived at between me and the petitioner vide a compromise deed dated 06.09.2017 which bears by signatures at point A thereon on Ex. CW2/B. I have studied till Standard 2nd and I am working as a Chowkidar for the last 3 years.

I have made this statement voluntarily of my own accord without any duress, pressure or coercion from any quarter.

ANU MALHOTRA, J

RO & AC
MARCH 12, 2018