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

+ CRL.M.C. 5/2018

AKRAM & ORS

..... Petitioners

Through Mr. Arun Kr. Yadav, Adv.

versus

STATE & ANR

..... Respondents

Through Mr. Mr. Izhar Ahmad, APP for State

SI Mehrab Alam, PS Nabi Karim

Mr. S. S. Tripathi, Adv. for R-2

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

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20.03.2018

Vide the present petition, the petitioners seeks quashing of FIR No. No.116/2011 PS Nabi Karim under Sections 324/326/34 of the Indian Penal Code, 1860 registered on the complaint of the respondent no.2 submitting to the effect that there are now no disputes between the petitioners and the respondent no.2 inasmuch as they are living in the same locality.

Learned counsel for the respondent No.2 submits that in terms of the proceedings dated 3.1.2018 it has been submitted on behalf of the State to the effect that charges have already been framed and that witnesses have already been examined. The charges have been framed only under Sections 326/34 Indian Penal Code, 1860 by the MM (Central)-05, Delhi on 23.8.2012.

According to the status report submitted in the case under the signatures of the SHO, PS Nabi Karim formal witnesses HC Mahesh, Constable Khushpal Singh, Dr. Pravesh Mehra, SR Dental, LHMC, Hospital,

Delhi have been examined but none of the material witnesses have been examined and that the complainant in the instant case i.e. the sole injured of the case arrayed on record as respondent No.2 has not been examined in the matter.

On behalf of the State it has been submitted that as per the MLC No.29701/11 the injured had an injury "laceration 1 1/2 x 1 cm around 1 deep in the upper lip extending upto left nostril and that the injuries were caused on the vital parts of the body of the complainant.

The Investigating Officer of the case present today in Court has identified the petitioners No.1 to 3 as being the accused arrayed in FIR No. 116/2011 PS Nabi Karim under Sections 324/326/34 of the Indian Penal Code, 1860 and has also identified the respondent no.2 Mr.Mohd. Mushahid Ali present today in Court as being the complainant thereof. The proofs of identity of the petitioners No.1 to 3 and of the respondent no. 2 in the form of photocopies of their Aadhar Cards are on the record as Ex. CW1/A to Ex. CW1/D respectively. (Originals seen and returned.)

In his deposition, examination on oath by the Court the respondent no.2 today has testified to having sworn his affidavit annexed to the petition as Ex.CW2/A in support of the averments made in the petition voluntarily of his own accord without any duress or coercion from any quarter and submits that he does not oppose the prayer made by the petitioners seeking quashing of the FIR in question nor does he want the petitioners to be punished in relation thereto inasmuch as they live in same locality. A sum of Rs.51,000/- towards compensation in full and final settlement of the dispute between the petitioners and the respondent No.2 has been paid to the respondent No.2, as testified by him. It has been stated by the respondent no. 2 that he has studied upto Class VII and is dealing the business of purse for the last 15

years.

Learned APP for the State submits that in the circumstances of the case, there is no opposition to the prayer made by the petitioners seeking quashing of the FIR in question.

As the petitioners and the respondent no.2 live in the same locality and in view of the settlement arrived at between the petitioners and respondent No.2 and as the scope of the conviction is bleak for maintenance of peace and harmony between them in the circumstances of the case, it is considered appropriate to allow the prayer made by the petitioners seeking quashing of FIR No. No.116/2011 PS Nabi Karim under Sections 324/326/34 of the Indian Penal Code, 1860 and all the consequential proceedings emanating therefrom against the petitioner.

In view thereof the FIR No. No.116/2011 PS Nabi Karim under Sections 324/326/34 of the Indian Penal Code, 1860 and all the consequential proceedings emanating therefrom against the petitioners No.1 to 3 i.e. Mr. Akram, Mr. Pradeep and Mr. Rahul are quashed.

ANU MALHOTRA, J

MARCH 20, 2018

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CW-2 Mr.Mohd. Mushahid Ali s/o Mubarak Ali, aged 33 years, r/o BB-479, Second Floor, Basti Bagarian, Pahar Ganj, Central Delhi-110055.

ON S.A.

I have no opposition to the prayer made by the petitioners No.1 to 3 seeking quashing of the FIR No.116/2011 PS Nabi Karim under Sections 324/326/34 of the Indian Penal Code, 1860. I do not want the petitioners to be punished in relation thereto in view of the settlement arrived at due to intervention of the respectable members of the locality. The petitioners and I live in the same locality. My affidavit annexed to the petition bears my signatures thereon at points A & B on Ex. CW2/A which I have signed voluntarily of my own accord without any duress, coercion or pressure from any quarter in support of the prayer made by the petitioner seeking quashing of the FIR in question, in view of the settlement arrived at between me and the petitioners.

I do not oppose the prayer made by the petitioner seeking quashing of FIR in question nor do I want the petitioners No.1 to 3 to be punished in relation thereto. The charges have been framed under Sections 326/34 Indian Penal Code, 1860 in terms of the proceedings before MM (Central)-05, Delhi dated 23.8.2012. I have studied till class VII and I am dealing in the business of purses for the last fifteen years. I have received a sum of Rs.51,000/- from the petitioners No.1 to 3.

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

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CW-1 SI Mehrab Alam, PS Nabi Karam

ON S.A.

I identify the petitioners No.1 to 3 arrayed as accused in the FIR No. 116/2011 PS Nabi Karim under Sections 324/326/34 of the Indian Penal Code, 1860. I also identify the respondent no. 2 as being the complainant thereof. The charges have been framed only under Sections 326/34 Indian Penal Code, 1860 by the MM (Central)-05, Delhi on 23.8.2012. The petitioners No.1 to 3 and respondent No.2 have produced their Aadhar Cards as proof of their identities photocopies of which are marked as Ex.CW1/A to CW1/D. (Originals seen and returned.)

RO & AC
MARCH 20, 2018.

ANU MALHOTRA, J

