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

+ **W.P.(CRL) 1002/2019**

RAJENDER KUMAR & ORS

..... Petitioners

Through: Mr. Jai Subhash Thakur, Adv with
petitioner

Versus

THE STATE & ORS

..... Respondents

Through: Mr. Jamal Akhtar with Mr. Amanpreet
Singh, Advs for Mr. Rahul Mehra,
SC(CrI.) for State with ASI Kanahiya
Lal, PS New Friends Colony
Respondent No. 2 in person

CORAM:

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

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10.04.2019

CRL.M.A. 7392/2019 (Exemption)

Exemption is allowed subject to all just exceptions.

Application stands disposed of.

W.P.(CRL) 1002/2019

The instant petition has been filed by the petitioner seeking quashing of the FIR No. 381/2015 registered at PS New Friends Colony for the offences punishable under Section 323/325/341/354/354B/506/34 of the Indian Penal Code, 1860 (in short 'IPC'), on the complaint of respondent No. 2 and the proceedings pursuant thereto on the ground that a Memorandum of Understanding dated 15.11.2018 has been arrived at between the parties in the matter. Amended MOU dated 10.04.2019 has

also been filed today.

All the petitioners and respondent Nos. 2 to 6 are present in Court today and have been identified by the learned counsel for the petitioners and investigating officer. Respondent No. 2 to 6 state that they have settled the matter with the petitioners with their own free will and choice without any threat, pressure and coercion as per Memorandum of Understanding dated 15.11.2018 and 10.04.2019. They further submits that they do not wish to pursue the abovementioned FIR and the proceedings thereto. Both the parties undertake to abide by the terms and conditions of the Memorandum of Understanding dated 15.11.2018 and 10.04.2019..

The question which arises for consideration that whether the FIR in the instant case can be quashed as the Section 354(A) IPC involved, is a non-compoundable offence.

In CrI.M.C. 1988/2017 titled as Yumnam Marjit Singh vs State & Anr, the Coordinate Bench of this Court, while relying on the case of Gian Singh vs. State of Punjab (2012) 10 SCC 303 and B.S. Joshi & Ors vs. State of Haryana & Anr. 2003 (4) SCC 675, had quashed the case wherein the offence under Section 354(D) was involved.

Keeping in view the decision rendered by the coordinate bench of this court and the fact that the parties have amicably resolved their differences voluntarily and out of their own free will and without any coercion, pressure, 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, the FIR No. 381/2015 registered at PS New Friends Colony for the offences punishable under Section

323/325/341/354/354B/506/34 IPC and proceedings pursuant thereto are hereby quashed.

The petition is disposed of.

SANGITA DHINGRA SEHGAL, J

APRIL 10, 2019
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Petitioner No. 1

Respondent No. 2

Petitioner No. 2

Respondent No. 3

Petitioner No. 3

Respondent No. 4

Respondent No. 5

Respondent No. 6