

\$~29

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

+ CRL.M.C. 5527/2019

SAMEER KHAN & ORS.

..... Petitioners

Through: Petitioners in person with Mr. Raj
Kumar, Advocate.

versus

STATE & ORS.

..... Respondents

Through: Mr. Sanjeev Sabharwal, APP for State
with SI Rahul Kumar, PS Shakarpur.
R-2 to 6 in person.

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

%

15.01.2020

The petitioners have filed the present petition seeking the quashing of the FIR No.289/2018, PS Shakarpur registered under Sections 323/325/452/506/34 of the Indian Penal Code, 1860 submitting to the effect that a settlement has been arrived at between the petitioner nos. 1 to 3 and the respondent nos. 2 to 6 vide a compromise deed dated 10.08.2019 and no useful purpose would be served by the continuation of the proceedings in the present FIR.

The Investigating Officer of the case is present and has identified the petitioner nos. 1 to 3 i.e. petitioner no.1 Sameer Khan, petitioner no.2 Mohd. Shehran Khan and petitioner no.3 Mohammad Salman Khan present today in Court as being the accused arrayed in the FIR No.289/2018, PS Shakarpur registered under Sections 323/325/452/506/34 of the Indian Penal Code, 1860 and he has also identified the respondent nos. 2 to 6 i.e. respondent

no.2 Narender, respondent no.3 Sunder Bhati, respondent no.4 Rahul Chaudhary, respondent no.5 Yogendra and respondent no.6 Aash Mohammad present in Court as being the injured thereto and the respondent no.2 as being the complainant of the said FIR and has further stated that there are no previous adverse antecedents against the petitioner nos. 1 to 3.

The respondent nos. 2 to 6 have produced their original proof of identities, photocopies of which are on the record and they all have testified to having signed their respective affidavits accompanying the petition in support of the averments made therein and they have further testified to having signed the compromise deed dated 10.08.2019 arrived at between them and the petitioner nos. 1 to 3 voluntarily of their own accord without any duress, coercion or pressure from any quarter.

The respondent nos. 2 to 6 have further testified to the effect that the petitioner nos. 1 to 3 have since apologized to them and thus, in view of the settlement arrived at between them and the petitioners, they do not oppose the prayer made by the petitioners seeking the quashing of the FIR No.289/2018, PS Shakarpur registered under Sections 323/325/452/506/34 of the Indian Penal Code, 1860.

On behalf of the State, the MLC of one of the injured named Yogender bearing no.17 of the Lal Bahadur Shastri Hospital, Delhi has been produced, which indicates that there was a nasal fracture sustained by Yogender arrayed as the respondent no.5 to the petition.

However, Mr. Yogender arrayed as the respondent no.5 states in his deposition on examination on oath by the Court that despite the said grievous injury sustained by him, in view of the apology tendered by the

petitioner nos. 1 to 3, he does not oppose the prayer made by the petitioners seeking the quashing of the FIR in question.

In the circumstances, there appears no reason to disbelieve the statements made by the respondent nos. 2 to 6 that they have arrived at a settlement with the petitioners voluntarily of their own accord without any duress, coercion or pressure from any quarter.

Taking into account the factum that the Investigating Officer of the case has stated in reply to specific Court query that there are no previous adverse antecedents against the petitioners and also the settlement that has been arrived at between the petitioner nos. 1 to 3 and the respondent nos. 2 to 6, for maintenance of peace and harmony between the parties, it is considered appropriate to put a quietus to the litigation between the parties.

In view thereof, the FIR No.289/2018, PS Shakarpur registered under Sections 323/325/452/506/34 of the Indian Penal Code, 1860 and all consequential proceedings emanating therefrom against the petitioner nos. 1 to 3 i.e. petitioner no.1 Sameer Khan, petitioner no.2 Mohd. Shehran Khan and petitioner no.3 Mohammad Salman Khan are thus quashed.

The petition is disposed of.

ANU MALHOTRA, J

JANUARY 15, 2020
'neha chopra'

IN THE HIGH COURT OF DELHI: NEW DELHI

29

CRL.M.C. 5527/2019

SAMEER KHAN & ORS. Vs. STATE & ORS.

15.01.2020

CW-1 SI Rahul Kumar, PS Shakarpur.

ON S.A.

I identify the petitioner nos. 1 to 3 i.e. petitioner no.1 Sameer Khan, petitioner no.2 Mohd. Shehran Khan and petitioner no.3 Mohammad Salman Khan present today in Court as being the accused arrayed in the FIR No.289/2018, PS Shakarpur registered under Sections 323/325/452/506/34 of the Indian Penal Code, 1860 and I also identify the respondent nos. 2 to 6 i.e. respondent no.2 Narender, respondent no.3 Sunder Bhati, respondent no.4 Rahul Chaudhary, respondent no.5 Yogendra and respondent no.6 Aash Mohammad present in Court as being the injured thereto and the respondent no.2 as being the complainant of the said FIR.

There are no previous adverse antecedents against the petitioner nos. 1 to 3.

RO & AC
15.01.2020

ANU MALHOTRA, J

IN THE HIGH COURT OF DELHI: NEW DELHI

29

CRL.M.C. 5527/2019

SAMEER KHAN & ORS. Vs. STATE & ORS.

15.01.2020

CW-2 Narender, s/o Shri Indraj Singh, age 35 years, r/o Yusufpur, Nangla Ber, Kalchina, Ghaziabad.

ON S.A.

I have brought my original proof of identity, photocopy of which is on the record as Ex.CW2/A.

My affidavit in support of the averments made in the petition annexed to the petition bears my signatures at points A & B on Ex.CW2/B. The compromise deed dated 10.08.2019 arrived at between me and the petitioner nos. 1 to 3 i.e. petitioner no.1 Sameer Khan, petitioner no.2 Mohd. Shehran Khan and petitioner no.3 Mohammad Salman Khan also bears my signatures as visible at point A on Ex.CW2/C, I have signed all these documents voluntarily of my own accord without any duress, coercion or pressure from any quarter.

In view of the settlement arrived at between me and the petitioner nos. 1 to 3 and the factum that the petitioner nos. 1 to 3 have all since apologized to me, I have no opposition to the prayer made by the petitioner nos. 1 to 3 seeking the quashing of the FIR No.289/2018, PS Shakarpur registered under Sections 323/325/452/506/34 of the Indian Penal Code, 1860 nor do I want the petitioners to be punished in relation thereto.

The petitioners earlier used to work where I work at Shakarpur, Delhi.

I have studied till Standard X and I deal in the property business.

I have made my statement after understanding the implications thereof voluntarily of my own accord without any duress, coercion or pressure from any quarter.

RO & AC
15.01.2020

ANU MALHOTRA, J

IN THE HIGH COURT OF DELHI: NEW DELHI

29

CRL.M.C. 5527/2019

SAMEER KHAN & ORS. Vs. STATE & ORS.

15.01.2020

**CW-3 Sunder Bhati, s/o Shri Zile Singh Bhati, age 27 years, r/o B-53,
Ganesh Nagar, Extn-II, Shakarpur, Delhi.**

ON S.A.

I have brought my original proof of identity, photocopy of which is on the record as Ex.CW3/A.

My affidavit in support of the averments made in the petition annexed to the petition bears my signatures at points A & B on Ex.CW3/B. The compromise deed dated 10.08.2019 arrived at between me and the petitioner nos. 1 to 3 i.e. petitioner no.1 Sameer Khan, petitioner no.2 Mohd. Shehran Khan and petitioner no.3 Mohammad Salman Khan also bears my signatures as visible at point B on Ex.CW2/C, I have signed all these documents voluntarily of my own accord without any duress, coercion or pressure from any quarter.

In view of the settlement arrived at between me and the petitioner nos. 1 to 3 and the factum that the petitioner nos. 1 to 3 have all since apologized to me, I have no opposition to the prayer made by the petitioner nos. 1 to 3 seeking the quashing of the FIR No.289/2018, PS Shakarpur registered under Sections 323/325/452/506/34 of the Indian Penal Code, 1860 nor do I want the petitioners to be punished in relation thereto.

The petitioners earlier used to work where I work at Shakarpur, Delhi.

I have studied till Standard XII and I deal in building material.

I have made my statement after understanding the implications thereof voluntarily of my own accord without any duress, coercion or pressure from any quarter.

RO & AC
15.01.2020

ANU MALHOTRA, J

IN THE HIGH COURT OF DELHI: NEW DELHI

29

CRL.M.C. 5527/2019

SAMEER KHAN & ORS. Vs. STATE & ORS.

15.01.2020

CW-4 Rahul Chaudhary, s/o Shri Yogesh Chaudhary, age 35 years, r/o B-99, Guru Nanak Pura, Mangal Bazar Road, Laxmi Nagar, Delhi.

ON S.A.

I have brought my original proof of identity, photocopy of which is on the record as Ex.CW4/A.

My affidavit in support of the averments made in the petition annexed to the petition bears my signatures at points A & B on Ex.CW4/B. The compromise deed dated 10.08.2019 arrived at between me and the petitioner nos. 1 to 3 i.e. petitioner no.1 Sameer Khan, petitioner no.2 Mohd. Shehran Khan and petitioner no.3 Mohammad Salman Khan also bears my signatures as visible at point C on Ex.CW2/C, I have signed all these documents voluntarily of my own accord without any duress, coercion or pressure from any quarter.

In view of the settlement arrived at between me and the petitioner nos. 1 to 3 and the factum that the petitioner nos. 1 to 3 have all since apologized to me, I have no opposition to the prayer made by the petitioner nos. 1 to 3 seeking the quashing of the FIR No.289/2018, PS Shakarpur registered under Sections 323/325/452/506/34 of the Indian Penal Code, 1860 nor do I want the petitioners to be punished in relation thereto.

The petitioners earlier used to work where I work at Shakarpur, Delhi.

I have studied till Standard XII and I am a property dealer.

I have made my statement after understanding the implications thereof voluntarily of my own accord without any duress, coercion or pressure from any quarter.

RO & AC
15.01.2020

ANU MALHOTRA, J

IN THE HIGH COURT OF DELHI: NEW DELHI

29

CRL.M.C. 5527/2019

SAMEER KHAN & ORS. Vs. STATE & ORS.

15.01.2020

CW-5 Yogendra, s/o Shri Bhure, age 35 years, r/o 54, Mohalla Patti Dahar, Near Shiv Mandir, Siyana, District Bulandshahar, U.P.

ON S.A.

I have brought my proof of identity in the form of my original Driving Licence, photocopy of the same be filed by the witness.

My affidavit in support of the averments made in the petition annexed to the petition bears my signatures at points A & B on Ex.CW5/A. The compromise deed dated 10.08.2019 arrived at between me and the petitioner nos. 1 to 3 i.e. petitioner no.1 Sameer Khan, petitioner no.2 Mohd. Shehran Khan and petitioner no.3 Mohammad Salman Khan also bears my signatures as visible at point D on Ex.CW2/C, I have signed all these documents voluntarily of my own accord without any duress, coercion or pressure from any quarter.

In view of the settlement arrived at between me and the petitioner nos. 1 to 3, the factum that the petitioner nos. 1 to 3 have all since apologized to me and despite my nasal fracture, I have no opposition to the prayer made by the petitioner nos. 1 to 3 seeking the quashing of the FIR No.289/2018, PS Shakarpur registered under Sections 323/325/452/506/34 of the Indian Penal Code, 1860 nor do I want the petitioners to be punished in relation thereto.

The petitioners earlier used to work where I work at Shakarpur, Delhi.

I have studied till Standard X and I am a driver.

I have made my statement after understanding the implications thereof voluntarily of my own accord without any duress, coercion or pressure from any quarter.

RO & AC
15.01.2020

ANU MALHOTRA, J

IN THE HIGH COURT OF DELHI: NEW DELHI

29

CRL.M.C. 5527/2019

SAMEER KHAN & ORS. Vs. STATE & ORS.

15.01.2020

CW-6 Aash Mohammad, s/o Shri Nizamuddin, age 33 years, r/o Gandhi Colony, Bus Stand, Pilakhua Dehat, Ghaziabad, U.P.

ON S.A.

I have brought my original proof of identity, photocopy of which is on the record as Ex.CW6/A.

My affidavit in support of the averments made in the petition annexed to the petition bears my signatures at points A & B on Ex.CW6/B. The compromise deed dated 10.08.2019 arrived at between me and the petitioner nos. 1 to 3 i.e. petitioner no.1 Sameer Khan, petitioner no.2 Mohd. Shehran Khan and petitioner no.3 Mohammad Salman Khan also bears my signatures as visible at point E on Ex.CW2/C, I have signed all these documents voluntarily of my own accord without any duress, coercion or pressure from any quarter.

In view of the settlement arrived at between me and the petitioner nos. 1 to 3 and the factum that the petitioner nos. 1 to 3 have all since apologized to me, I have no opposition to the prayer made by the petitioner nos. 1 to 3 seeking the quashing of the FIR No.289/2018, PS Shakarpur registered under Sections 323/325/452/506/34 of the Indian Penal Code, 1860 nor do I want the petitioners to be punished in relation thereto.

The petitioners earlier used to work where I work at Shakarpur, Delhi.

I have studied till Standard X and I am a driver.

I have made my statement after understanding the implications thereof voluntarily of my own accord without any duress, coercion or pressure from any quarter.

RO & AC
15.01.2020

ANU MALHOTRA, J