

\$~41

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

+ **CRL.M.C. 280/2020**

BALJINDER SINGH & ORS Petitioners

Through: Mr. Krishan Kumar and
Mr.S.P.Nangia, Advocate

versus

THE STATE & ORS. Respondents

Through: Mr. Ashok Kumar Garg APP for State
With SI Manmeet Singh, PS Nabi
Karim
Mr.Nitin Mittal, Adv for R-2 with R-
2 in person.

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

% **21.01.2020**

CrI.M.A. No. 1216/2020

Exemption allowed, subject to just exceptions.

CrI.M.C. No. 280/2020

The matter has been taken up in view of the Roster Bench being on leave.

Vide the present petition, the petitioners seek quashing of the FIR No.135/2017 PS Nabi Karim, registered under Sections 342/506/34 of the Indian Penal Code, 1860 submitting to the effect that a settlement has since been arrived at between the petitioners and the respondent No.2 during the course of the mediation proceedings

in relation to CS No. 6176/18 and in relation to FIR No. 276/18, PS Pahar Ganj under Section 420/406 of the IPC 1860 as well as in relation to FIR No. 135/2017 PS Nabi Karim under Sections 342/506/34 of the IPC 1860 and thus no useful purpose would be served by the continuation of the said FIR in question.

The Investigating Officer of the case has identified the petitioners No. 1 to 4, namely, Baljinder Singh, Sushil Puri, Harpreet Singh and Ramesh Batra as being the accused arrayed in FIR No.135/2017 PS Nabi Karim, registered under Sections 342/506/34 of the Indian Penal Code, 1860 present in the Court today. The Investigating Officer has also identified the respondent No.2 present in the Court today as being the complainant of the said FIR.

The respondent No.2 in his examination on Oath has brought his original proof of identity and has affirmed having signed his affidavit in response to the petition bearing his signatures at Points A and B on EX.CW-2/A and the settlement document arrived at the Delhi Mediation Centre, Tis Hazari Courts bearing his signatures thereon as visible at points A on EX.CW-2/B voluntarily of his own accord without any duress, pressure or coercion from any quarter. The respondent No.2 further states that in view of the settlement dated 18.11.2019 arrived at between him and the petitioners at the Delhi Mediation Centre, Tis Hazari Courts, in Criminal M.C. No. 665/2019 the petition in relation to the FIR No. 276/2018 registered at PS Pahar Ganj under Sections 420/406 IPC, 1860, the FIR has been quashed today. The respondent No.2 further states that in view of the settlement arrived at between him and the petitioners he does not

oppose the prayer made by the petitioners seeking quashing of the FIR No. 135/2017 under Sections 342/506/34 of the IPC, 1860 registered at PS Nabi Karim nor does he want the petitioners No. 1 to 4 namely, Baljinder Singh, Sushil Puri, Harpreet Singh and Ramesh Batra to be punished in relation thereto and further submits that he has so stated voluntarily of his own accord without any duress, pressure or coercion from any quarter. He further submitted that he is a graduate and used to work with a Chartered Accountant and has understood the implications of the statement made by him.

On behalf of the State there is no opposition to the prayer made by the petitioners seeking quashing of the FIR No.135/2017 PS Nabi Karim, registered under Sections 342/506/34 of the Indian Penal Code, 1860 in view of the settlement arrived at between the parties.

There appears no reason to disbelieve the statement made by the respondent no.2 that he has arrived at a settlement with the petitioners voluntarily of his own accord without any duress pressure or coercion from any quarter, taking into account also the statement made by the respondent No.2 that the proceedings in relation to FIR No. FIR No. 276/2018 registered at PS Pahar Ganj under Sections 420/406 IPC, 1860 have since been quashed today, it is considered appropriate to put a quietus to the litigation between the parties qua FIR No.135/2017 PS Nabi Karim, registered under Sections 342/506/34 of the Indian Penal Code, 1860 for maintenance of peace and harmony between the parties, the proceedings against the petitioners in relation to FIR No.135/2017 PS Nabi Karim, registered under Sections 342/506/34 of the Indian Penal Code, 1860 No. 1 to 4,

namely, Baljinder Singh, Sushil Puri, Harpreet Singh and Ramesh Batra, and all consequential proceedings emanating therefrom are thus quashed.

The petitioner is disposed of.

ANU MALHOTRA, J

JANUARY 21, 2020/sv

Item No. 41

CRL.M.C. 280/2020

BALJINDER SINGH & ORS V. STATE & ORS.

**CW-1 SI MANMEET SINGH PS NABI KARIM
ON S.A.**

I identify the petitioners No. 1 to 4, namely, Baljinder Singh, Sushil Puri, Harpreet Singh and Ramesh Batra as being the accused arrayed in FIR No.135/2017 PS Nabi Karim, registered under Sections 342/506/34 of the Indian Penal Code, 1860 present in the Court today. I also identify the respondent No.2 present in the Court today as being the complainant of the said FIR.

ANU MALHOTRA, J.

**RO & AC
21.1.2020**

Item No. 41

CRL.M.C. 280/2020

BALJINDER SINGH & ORS V. STATE & ORS.

**CW-2 MR. ROOP NARAIN BHUTTAN S/O LATE SH.FATEH CHAND
BHUTTAN, AGED 71 YEARS, R/O 2332,HUDSON LANE, GTB NAGAR
DELHI-110009**

ON S.A.

I have brought my original proof of identity i.e. the Election Identity Card, copy of which has been placed on record.

My affidavit in support of the averments in the petition bears my signatures at point A & B on Ex.CW-2/A. The settlement document dated 18.11.2019 of the settlement arrived at the Delhi Mediation Centre, Tis Hazari Courts bears my signatures thereon as visible at point A on EX.CW-2/B. In view of the settlement arrived at between me and the petitioners vide a settlement document Ex.CW-2/B dated 18.11.2019. The FIR No. 276/2018 registered at PS Pahar Ganj under Sections 420/406 IPC, 1860 has been quashed today in Criminal M.C. No. 665/2019. I have no opposition to the prayer made by the petitioners seeking quashing of the FIR No. 135/2017 under Sections 342/506/34 of the IPC, 1860 registered at PS Nabi Karim nor do I want the petitioners No. 1 to 4 namely, Baljinder Singh, Sushil Puri, Harpreet Singh and Ramesh Batra to be punished in relation thereto. I have so stated voluntarily of my own accord without any duress, pressure or coercion from any quarter. I am a graduate and used to work with a Chartered Accountant and I have understood the implications of the statement made by me.

ANU MALHOTRA, J.

RO & AC

21.1.2020