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

+ **CRL.M.C. 596/2020 & CRL.M.A.2440/2020**

SANDEEP KAPOOR & ORS

..... Petitioners

Through: Petitioners in person with Mr. Sunil
Tiwari, Advocate.

versus

THE STATE (GOVT. OF NCT OF DELHI) & ORS ... Respondents

Through: Ms. Aashaa Tiwari, APP for State
with ASI Devender Kumar, PS Subzi
Mandi.

R-2 & 3 in person with Mr. Manish
Kumar, Advocate.

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

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03.02.2020

CRL.M.A.2440/2020 (Ex.)

Exemption allowed subject to all just exceptions.

The application stands disposed of.

CRL.M.C. 596/2020

Vide the present petition, the petitioners seek the quashing of the FIR No.24/2018, PS Subzi Mandi registered under Sections 323/427/341/509/452/34 of the Indian Penal Code, 1860 submitting to the effect that a settlement has been arrived at between the parties vide a settlement agreement dated 27.01.2020 and no useful purpose would be served by the continuation of the proceedings in relation to the present FIR.

The Investigating Officer of the case is present in Court and has identified petitioner nos. 1 to 4 i.e. petitioner no.1 Sandeep Kapoor, petitioner no.2 Kapil @ Pawan, petitioner no.3 Sh. Kamal Singh @

Bablu and petitioner no.4 Sh. Pakaj @ Bunty present today in Court as being the four accused arrayed in the FIR No.24/2018, PS Subzi Mandi registered under Sections 323/427/341/509/452/34 of the Indian Penal Code, 1860 and he has also identified the respondent no.2 Mr. Jugnu Goyal as being the complainant of the said FIR and the respondent no.3 Smt. Bala Rani as being the mother of the respondent no.2. He has further testified to the effect that the injuries sustained by the injured in the instant case were simple in nature.

The respondent nos. 2 & 3 have both testified to having signed their respective affidavits in support of the averments made in the petition as well as the settlement agreement dated 27.01.2020 voluntarily of their own accord without any duress, coercion or pressure from any quarter and they have stated further that in terms of the settlement arrived at between them and the petitioners, a total sum of Rs.90,000/- has been paid by the petitioners to them in relation to the damages caused in the shop run by the respondent no.2. The respondent nos. 2 & 3 have further stated that they do not oppose the prayer made by the petitioners seeking the quashing of the FIR No.24/2018, PS Subzi Mandi registered under Sections 323/427/341/509/452/34 of the Indian Penal Code, 1860.

On behalf of the State, there is no opposition to the prayer made by the petitioners seeking the quashing of the FIR in question in view of the settlement arrived at between the parties.

In view of the statements made by the respondent nos. 2 & 3, there appears no reason to disbelieve the statement made by them that

they have arrived at a settlement with the petitioners voluntarily of their own accord without any duress, coercion or pressure from any quarter and in as much as, 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.24/2018, PS Subzi Mandi registered under Sections 323/427/341/509/452/34 of the Indian Penal Code, 1860 and all consequential proceedings emanating therefrom against the petitioner nos. 1 to 4 i.e. petitioner no.1 Sandeep Kapoor, petitioner no.2 Kapil @ Pawan, petitioner no.3 Sh. Kamal Singh @ Bablu and petitioner no.4 Sh. Pakaj @ Buntty are thus quashed.

The petition is disposed of.

ANU MALHOTRA, J

FEBRUARY 03, 2020
'neha chopra'

IN THE HIGH COURT OF DELHI: NEW DELHI

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CRL.M.C. 596/2020

SANDEEP KAPOOR & ORS. STATE (GOVT. OF NCT OF DELHI) & ORS.

03.02.2020

CW-1 ASI Devender Kumar, PS Subzi Mandi.

ON S.A.

I identify the petitioner nos. 1 to 4 i.e. petitioner no.1 Sandeep Kapoor, petitioner no.2 Kapil @ Pawan, petitioner no.3 Sh. Kamal Singh @ Bablu and petitioner no.4 Sh. Pakaj @ Buntty present today in Court as being the four accused arrayed in the FIR No.24/2018, PS Subzi Mandi registered under Sections 323/427/341/509/452/34 of the Indian Penal Code, 1860 and I also identify the respondent no.2 Mr. Jugnu Goyal as being the complainant of the said FIR and the respondent no.3 Smt. Bala Rani as being the mother of the respondent no.2.

The injuries sustained by the injured in the instant case were simple in nature.

RO & AC
03.02.2020

ANU MALHOTRA, J

IN THE HIGH COURT OF DELHI: NEW DELHI

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CRL.M.C. 596/2020

SANDEEP KAPOOR & ORS. STATE (GOVT. OF NCT OF DELHI) & ORS.

03.02.2020

CW-2 Sh. Jugnu Goyal, s/o Sh. Gyan Chand, age 35 years, r/o H.No.2787, Gali Raj Putana, Subzi Mandi, Delhi.

ON S.A.

I have brought my proof of identity in the form of my Aadhaar Card, photocopy of which is on the record as Ex.CW2/A. My affidavit in support of the averments made in the petition bears my signatures at points A & B on Ex.CW2/B. A settlement dated 27.01.2020 has since been arrived at between me and the petitioners amicably, which settlement document also bears my signatures as visible at point A on Ex.CW2/C, I have signed these documents voluntarily of my own accord without any duress, coercion or pressure from any quarter. My mother and me have received a total sum of Rs.90,000/- from the petitioners on account of compensation for the damages sustained by us in the shop run by me.

In view of the settlement arrived at between me and the petitioners, I do not oppose the prayer made by the petitioner nos. 1 to 4 seeking the quashing of the FIR No.24/2018, PS Subzi Mandi registered under Sections 323/427/341/509/452/34 of the Indian Penal Code, 1860 nor do I want the petitioners to be punished in relation thereto.

I have studied till Standard X and I run a General Store.

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
03.02.2020

ANU MALHOTRA, J

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CRL.M.C. 596/2020

SANDEEP KAPOOR & ORS. STATE (GOVT. OF NCT OF DELHI) & ORS.

03.02.2020

CW-3 Smt. Bala Rani, w/o Sh. Gyan Chand, age 62 years, r/o H.No.2787, Gali Raj Putana, Subzi Mandi, Delhi.

ON S.A.

I have brought my proof of identity in the form of my Aadhaar Card, photocopy of which is on the record as Ex.CW3/A. My affidavit in support of the averments made in the petition bears my signatures at points A & B on Ex.CW3/B. A settlement dated 27.01.2020 has since been arrived at between me and the petitioners amicably, which settlement document also bears my signatures as visible at point B on Ex.CW2/C, I have signed these documents voluntarily of my own accord without any duress, coercion or pressure from any quarter. A total sum of Rs.90,000/- has been received by the respondent no.2 and me for the damages caused to the goods in the shop run by the respondent no.2.

In view of the settlement arrived at between me and the petitioners, I do not oppose the prayer made by the petitioner nos. 1 to 4 seeking the quashing of the FIR No.24/2018, PS Subzi Mandi registered under Sections 323/427/341/509/452/34 of the Indian Penal Code, 1860 nor do I want the petitioners to be punished in relation thereto.

I have studied till Standard VIII.

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
03.02.2020

ANU MALHOTRA, J