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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 1396/2019**

DEEPAK AGGARWAL & ORS. Petitioners
Through: Mr.P.K.Sharma, Advocate

versus

STATE & ANR. Respondents
Through: Mr.Kewal Singh Ahuja, APP for State
With SI Vishal Tiwari, PS Vikaspuri.
Mr.Manish Sangwan, Adv for R-2
and 3 arrayed vide amended memo of
parties.

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER
% **28.02.2020**

The Investigating Officer of the case is present and has identified the petitioners No. 1 to 3 as being the accused arrayed in the FIR No.232/2017 PS Vikaspuri, registered under Sections 323/341/506/34 of the Indian Penal Code, 1860 and the Investigating Officer has also identified the respondents No.2 as being the complainant and the respondent No.3 as being the one of the victims allegedly assaulted.

The petitioners vide the present petition seek quashing of FIR No.232/2017 PS Vikaspuri, registered under Sections 323/341/506/34 of the Indian Penal Code, 1860 submitting to the effect that the matter has already been compounded qua the offences punishable under Sections 323/341/34 of the IPC, 1860 which is also so borne out

through the copy of the proceedings dated 14.12.2018 of the learned Metropolitan Magistrate South West in FIR No. 232/17 indicating that the said offences punishable under Sections 323/341/34 of the Indian Penal Code, 1860 have been compounded and that the petitioners therein have been acquitted in relation thereto.

In terms of the proceedings dated 16.12.2019 in view of the submissions that have been made on behalf of the State that there were previous involvement of conviction of the petitioner No.2 with it having been submitted on behalf of the petitioner that the petitioner No.2 has since been acquitted in relation to FIR No. 165/2010 PS Sonapat. Learned APP for State has placed on record the certified copy of the order dated 27.11.2012, of the learned ACJM, Sonapat in relation to FIR 165/2010 indicating the acquittal of the petitioner No.2 in relation thereto. The same is taken on record.

The present petition is premised on a settlement arrived at between the parties vide the mediation proceedings dated 14.12.2018 vide a settlement arrived at the Delhi Mediation Centre, Dwarka Courts copy of which is Ex.CW-2/C on which the respondent No.2, the complainant of the FIR has affirmed his signatures thereon and has stated that he has arrived at the said settlement with the petitioners voluntarily of his own accord without any duress, pressure or coercion from any quarter. The petitioner No.1 is stated by the respondent No.2 and by the respondent No.3 to be the spouse of the daughter of the respondent No.3 and thus the brother-in-law of the respondent No.2, i.e., the complainant. The petitioner No.3 is the brother of the petitioner No.1 with petitioner No.2 stated to be the

brother-in-law of the petitioner No.1 and petitioner No.3. Respondent No.2 further stated he has no problems now with the petitioners in as much as the offences punishable under Section 323/341/34 of the Indian Penal Code, 1860 have already been compounded and that the petitioners have been acquitted in relation thereto. In as much as it is testified by both respondent No.2 and respondent No.3 that there are no problems now it is considered appropriate to put a quietus to the litigation between the parties in as much as there appears no reason to disbelieve the statements made by the respondents No. 2 and 3 that they have arrived at a settlement voluntarily of their own accord without any duress, pressure or coercion from any quarter and taking into account also the factum that there is no opposition on behalf of the State in view of the settlement between the parties, in view thereof the FIR No.232/2017 PS Vikaspuri, registered under Sections 506/34 of the Indian Penal Code, 1860 to the extent that it survives is thus quashed.

ANU MALHOTRA, J

FEBRUARY 28, 2020/SV

Item No. 12

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DEEPAK AGGARWAL & ORS V. STATE & ANR..

**CW-1 SI VISHAL TIWARI PS VIKASPURI
ON S.A.**

I have been deputed by the SHO PS Vikaspuri to appear in the present proceedings qua the FIR No.232/2017 PS Vikaspuri, registered under Sections 323/341/506/34 of the Indian Penal Code, 1860.

I identify the petitioners No. 1 to 3, namely, Deepak Aggarwal, Mohit Singhal and Vikas Aggarwal present in the Court today as being the accused arrayed in the FIR in question. I also identify the respondent No.2 present in the Court today as being the complainant of the said FIR and I further identify the respondent No.3 as being the other victim in the matter.

ANU MALHOTRA, J.

**RO & AC
28.2.2020.**

Item No. 12

CRL.M.C. 1396/2019

DEEPAK AGGARWAL & ORS V. STATE & ANR..

**CW-2 DIPANKER GUPTA S/O SH. HARIKISHAN GUPTA
PREVIOUSLY R/O C-29, IIND FLOOR, VIKASPURI, DELHI AND
NOW R/O C-42 VIKASPURI DELHI. AGED 26 YEARS
ON S.A.**

I have brought my original proof of identity, i.e. Aadhar Card. The copy of the same is EX.CW-2/A.

My affidavit in support of the averments made in the petition bears my signatures at point A & B on EX.CW-2/B. A settlement has since been arrived at between me and the petitioners vide a Memorandum of Understanding dated 14.12.2018 at the Mediation Centre, Dwarka Courts bearing my signatures at point 'A' as visible thereon on each page at point A on Ex.CW-2/C. I have signed these documents voluntarily of my own accord without any duress, pressure or coercion from any quarter. In view of the settlement arrived at between me and the petitioners I do not oppose the prayer made by the petitioners seeking quashing of the FIR No.232/2017 PS Vikaspuri, registered under Sections 506 of the Indian Penal Code, 1860 to the extent that it survives now nor do I want them to be punished in relation thereto, in view of the settlement dated 14.12.2018 before the Court of the learned Metropolitan Magistrate (South) Dwarka Courts in relation to FIR No.232/2017 PS Vikaspuri, whereby in view of the settlement arrived at between me and the petitioners, the petitioners have since been acquitted qua the alleged commission of offences, punishable under Section 323/341/34 of the Indian Penal Code, 1860. The petitioner No.1 is my brother-in-law and the petitioner No.3 is the brother of petitioner No.1 and

the petitioner No.2 is their brother-in-law. I have no problems with the petitioners now.

I am a graduate and assisting my father in his business. I have understood the implications of the statement made by me. I have so stated voluntarily of my own accord without any duress, pressure or coercion from any quarter.

ANU MALHOTRA, J.

RO & AC
28.2.2020.

Item No. 12

CRL.M.C. 1396/2019

DEEPAK AGGARWAL & ORS V. STATE & ANR..

**CW-3 MS CHITRA GUPTA W/O SH. HARIKISHAN GUPTA R/O C-29,
IIND FLOOR, VIKASPURI, DELHI AGED 55 YEARS
ON S.A.**

I have brought my original proof of identity, i.e. Aadhar Card. The copy of the same is EX.CW-3/A.

My affidavit in support of the averments made in the petition bears my signatures at point A & B on EX.CW-3/B. A settlement has since been arrived at between respondent no.2 and the petitioners vide a Memorandum of Understanding dated 14.12.2018 at the Mediation Centre, Dwarka Courts Ex.CW-2/C. I have signed my affidavit voluntarily of my own accord without any duress, pressure or coercion from any quarter. In view of the settlement arrived at between the respondent No.2 and the petitioners I do not oppose the prayer made by the petitioners seeking quashing of the FIR No.232/2017 PS Vikaspuri, registered under Sections 506 of the Indian Penal Code, 1860 to the extent that it survives now nor do I want them to be punished in relation thereto, in as much as the matter between us has been sorted out with petitioner No.1 being my son-in-law, petitioner No.2 being brother-in-law of Petitioner No. 1 and petitioner No.3 and the petitioner No.3 being the brother of petitioner No.1, in view of the settlement dated 14.12.2018 before the Court of the learned Metropolitan Magistrate (South) Dwarka Courts in relation to FIR No.232/2017 PS Vikaspuri, arrived at between the respondent No.2 and the petitioners have since been acquitted qua the alleged commission of offences, punishable under Section 323/341/34 of the Indian Penal Code, 1860. I have no problems with the

petitioners now.

I have understood the implications of the statement made by me. I have so stated voluntarily of my own accord without any duress, pressure or coercion from any quarter.

ANU MALHOTRA, J.

**RO & AC
28.2.2020.**