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

+ **CRL.M.C. 1388/2020**

HARSH SHARMA & ORS

..... Petitioners

Through: Mr. Neeru, Advocate alongwith
petitioners in person.

Versus

STATE & ORS

..... Respondents

Through: Ms. Manjeet Arya, APP for State with SI
Bal Kishan, P.S. New Ashok Nagar
Mr. B.P. Shukla, Advocate with respondent Nos. 2
& 3 in person

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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12.03.2020

CRL.M.A. 5347/2020 (Exemption)

1. Allowed, subject to all just exceptions.
2. The application stands disposed of.

CRL.M.C. 1388/2020

1. The present proceedings are instituted seeking quashing of FIR No. 436/2018 under Sections 354(B)/509/323/451/379/34 IPC registered at P.S. New Ashok Nagar Delhi on the ground of settlement having been arrived at between the parties.
2. As per the case of the prosecution, the present FIR has been registered by respondent Nos. 2 & 3 against the present petitioners who physically assaulted them and petitioner Nos. 1 & 2 snatched the gold chain and wallet of respondent No. 3. Respondents are the tenants of the petitioners.

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3. Learned APP for the State, on instructions, submits that the charge sheet in the present case has been filed against the present petitioners and respondent nos.2 & 3 are the complainants/victims. She, on instructions, submits that the injuries are simple in nature.

4. Learned counsel for the petitioner submits that the parties have entered into a settlement on 09.12.2019. A copy of the same is annexed with the petition as *Annexure P-4*. In terms of the settlement, respondent Nos. 2 & 3 are now left with no claim whatsoever against the petitioner.

5. The Petitioners and respondent Nos. 2 & 3 who are present in person, are identified by their respective counsels and the Investigating Officer. The petitioners have shown remorse for their conduct and has undertaken not to repeat the same in future.

6. Respondent nos. 2 & 3 state that they have entered into the settlement with the petitioner out of their own free will, volition and without any undue force, pressure or coercion. They further state that the petitioners have not repeated the same incident and that they have no objection if the present FIR and consequent proceedings are quashed.

7. Learned counsels for the parties submit that besides the present FIR there is another connected FIR No. 437/2018 under Sections 323/509/308/354(A)/376/506/34 IPC registered at P.S. New Ashok Nagar, Delhi, and quashing of the same is sought in CRL.M.C. 1373/2020.

8. The parties shall remain bound by their statements made in Court today.

9. In view of the settlement arrived at between the parties voluntarily, in my view, no useful purpose will be served in continuance of the present

criminal proceedings. Accordingly, in the interest of justice, aforesaid FIR and the consequent proceedings emanating therefrom are hereby quashed, subject to a composite cost of Rs.5,000/- to be deposited with '*Delhi High Court Legal Services Committee*' by the petitioners within a period of two weeks from today. Receipt evidencing deposit of costs be filed in the Registry as well as with the Investigating Officer.

10. With the above directions, the petition is disposed of.

11. Order *dasti* to the counsels for the parties.

MANOJ KUMAR OHRI, J

MARCH 12, 2020/p'ma