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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 1955/2019 & CRL.M.A. 7739/2019**

MR. RAJESH KUMAR JAIN Petitioner
Through: Petitioner in person with Mr. Tushan
Rawal & Ms. Mayanka Dhawan,
Advocates.

versus

STATE OF NCT DELHI & ANR Respondents
Through: Ms. Meenakshi Dahiya, APP
for State with SI Jagdish Prasad.
R-2 in person with

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA
ORDER
% **18.02.2020**

Vide the present petition, the petitioner seeks the quashing of the FIR No.289/2014, PS Jama Masjid registered under Sections 420/417/467/468/471 of the Indian Penal Code, 1860 lodged on the complaint of the respondent no.2 submitting to the effect that a settlement has been arrived at between the parties vide a memorandum of settlement dated 19.09.2018 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 and has identified the petitioner Rajesh Kumar Jain as being the sole accused arrayed in the FIR No.289/2014, PS Jama Masjid registered under Sections 420/417/467/468/471 of the Indian Penal Code, 1860 and he has also identified the respondent no.2 Ravinder Prasad as being the complainant of

the said FIR.

The respondent no.2 has produced his original proof of identity, photocopy of which is on the record as Ex.CW2/A. The respondent no.2 in his deposition on oath by the Court has affirmed having signed his affidavit in support of the averments made in the petition at points A & B on Ex.CW2/B as well as the memorandum of settlement dated 19.09.2018 between him and the petitioner as visible at point A on Ex.CW2/C, qua which he states that he has signed these documents voluntarily of his own accord without any duress, coercion or pressure from any quarter. He has further stated in his deposition on oath that in view of the settlement arrived at between him and the petitioner, he does not oppose the prayer made by the petitioner seeking the quashing of the FIR No.289/2014, PS Jama Masjid registered under Sections 420/417/467/468/471 of the Indian Penal Code, 1860 nor does he want him to be punished in relation thereto. He has further testified to the effect that he has studied upto Standard VIII and he runs a business and has understood the implications of the statement made by him.

In as much as, the status report indicates that the document presented by the petitioner was for a sum of Rs.9,30,000/- which cheque was issued by the respondent no.2 to the petitioner for a sum of Rs.30,000/- in relation to which no official machinery of the Oriental Bank of Commerce had been misutilized by the petitioner, coupled with the factum that the charge sheet filed by the Investigating Agency indicates that there were no funds in the account of the respondent no.2 to the tune of Rs.9,30,000/- and that the cheque in question was also dishonoured, with there being no opposition on behalf of the State, it is considered appropriate to grant the prayer made by the petitioner seeking the quashing of the FIR in question.

In view of the deposition of the respondent no.2 that he does not oppose the prayer made by the petitioner seeking the quashing of the FIR in question, the FIR No.289/2014, PS Jama Masjid registered under Sections 420/417/467/468/471 of the Indian Penal Code, 1860 in the peculiar circumstances of the instant case and all consequential proceedings emanating therefrom against the petitioner are thus, quashed.

The petition is disposed of.

ANU MALHOTRA, J

FEBRUARY 18, 2020

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IN THE HIGH COURT OF DELHI: NEW DELHI

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CRL.M.C. 1955/2019

MR. RAJESH KUMAR JAIN VS. STATE & ANR.

18.02.2020

CW-1 SI Jagdish Prasad, PS Jama Masjid.

ON S.A.

I identify the petitioner Rajesh Kumar Jain as being the sole accused arrayed in the FIR No.289/2014, PS Jama Masjid registered under Sections 420/417/467/468/471 of the Indian Penal Code, 1860 and I also identify the respondent no.2 Ravinder Prasad as being the complainant of the said FIR.

RO & AC

18.02.2020

ANU MALHOTRA, J

IN THE HIGH COURT OF DELHI: NEW DELHI

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CRL.M.C. 1955/2019

MR. RAJESH KUMAR JAIN VS. STATE & ANR.

18.02.2020

CW-2 Mr. Ravinder Prasad, S/o Sh. Ganpat Prasad, age 45 years, r/o F-10, Gali No.3, Surya Vihar, East Sadatpur, Karawal Nagar, Delhi.

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 bears my signatures at points A & B on Ex.CW2/B. The memorandum of settlement dated 19.09.2018 between me and the petitioner 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. In view of the settlement arrived at between me and the petitioner, I do not oppose the prayer made by the petitioner seeking the quashing of the FIR No.289/2014, PS Jama Masjid registered under Section 420 of the Indian Penal Code, 1860 and Sections 417/467/468/471 added thereafter nor do I want him to be punished in relation thereto.

I have studied upto Standard VIII and I run a 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
18.02.2020

ANU MALHOTRA, J