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

+ CRL.M.C. 1693/2020

ASGAR ALI alias NANHE

..... Applicant

Through: Mr.Pramod K.Tiwary, Advocate.

Versus

STATE (GNCT DELHI) & ANR

.....Respondent

Through: Mr. Ashok Kr. Garg, APP for State.

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

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18.09.2020

(physical hearing)

Pursuant to proceedings dated 11.09.2020, the status report dated 17.09.2020 has been submitted by the State as per which the litigations in relation to FIR No.249/2012, PS Pul Prahlad Pur under Sections 448/348/380/511/34 of the Indian Penal Code, 1860 and FIR No.46/2018, PS Pul Prahlad Pur under Sections 323/41/354/509/34 of the Indian Penal Code, 1860 and the present case i.e. FIR No.97/2014, PS Pul Prahlad Pur under Sections 384/448/511/506 of Indian Penal Code, 1860 are pending trial. It is submitted on behalf of the State that the status of the case i.e. FIR No.308/2004, PS Sangam Vihar under Sections 420/468/471/120B of the Indian Penal Code, 1860 could not be verified as the District Courts are not yet functioning fully qua which learned counsel for the petitioner submits that the applicant has already been acquitted in the same.

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Vide the present petition, the petitioner has sought the quashing of the FIR No.97/2014, PS Pul Prahlad Pur under Sections 384/448/511/506 of Indian Penal Code, 1860 submitting to the effect that a settlement has been arrived at between the parties vide a Memorandum of Understanding dated 29.07.2020.

The statements of the Investigating Officer, SI Nagender Nagar and of the complainant Mr.Jagdish Chhabra have been recorded on 11.09.2020 whereby the Investigating Officer of the case has identified the petitioner Asgar Ali @ Nanhe as being the accused arrayed in the FIR No.97/2014, PS Pul Prahlad Pur under Sections 384/448/511/506 of the Indian Penal Code, 1860 and has also identified the respondent no.2 Mr.Jagdish Chhabra as being the complainant of the said FIR.

The respondent no.2 in replies to specific Court queries in his deposition on oath that had been recorded on 11.09.2020 had affirmed the factum of the settlement arrived at between him and the petitioner and stated that he had no opposition to the prayer made by the petitioner seeking the quashing of the FIR in question. The respondent no.2 had further stated on 11.09.2020 that he had understood the implications of the statement made by him and that he had studied upto Standard 8th and ran a printing press. Taking into account the factum of the settlement arrived at between the petitioner and the respondent no.2 and there being no reason to disbelieve the statement of the respondent no.2 that he has arrived at a settlement with the petitioner voluntarily of his own accord without any duress, coercion or pressure from any quarter, it is considered appropriate to put a quietus to the litigation between the parties.

Thus, for maintenance of peace and harmony between the petitioner and the respondent no.2, the FIR No.97/2014, PS Pul Prahlad

Pur under Sections 384/448/511/506 of Indian Penal Code, 1860 and all consequential proceedings emanating therefrom against the petitioner are thus, quashed.

The petition is disposed of accordingly.

ANU MALHOTRA, J

SEPTEMBER 18, 2020

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Signature Not Verified

Digitally Signed
By: SUMIT GHAI
Signing Date: 19.09.2020
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