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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.M.C. 3156/2019
A. SAJEEVAN RAO & ORS Petitioners
Through: Mr. Rubal Sharma, Adv.

versus

STATE & ORS. Respondents
Through: Mr. Kewal Singh Ahuja, APP for
State with SI Rahul Kumar, PS
Shakarpur.
Mr. Nishant Singh, Adv. for R-2 & 3
with R-2 & 3.

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

% **27.01.2020**

Vide the present petition, the petitioners seek quashing of the FIR No.421/2003, PS Shakarpur registered initially under Sections 452/323/34 of the Indian Penal Code, 1860 in relation to which the petitioners herein have since been charged vide order dated 06.12.2006 of the learned trial Court of the MM, KKD Courts for the alleged commission of the offences punishable under Sections 452/323/34 of the Indian Penal Code, 1860 submitting to the effect that a settlement has been arrived at between the parties vide a memorandum of understanding dated 24.06.2019 and no useful purpose would be served by the continuation of the proceedings in relation to the FIR in question.

The Investigating Officer of the case has identified the petitioners present today in Court as being the accused arrayed in the FIR in question

and submitted as also submitted through the status report dated 14.08.2019 submitted under signature of Inspector Ashok Sharma, SHO, PS Laxmi Nagar which has already been recorded to the effect that co-accused in the matter Mr. Deepak has since expired and the proceedings against him have abated. The Investigating Officer has also identified respondent no.2 present in Court today as being the complainant of the said FIR and has also identified the respondent nos.2 & 3 as being the two injured in the case. The Investigating Officer has also stated to the effect that the MLC results of both the respondent nos.2 & 3 indicate that they have sustained simple injuries and the copy of the medical examination report qua the respondent nos.2 & 3 indicate to similar effect that simple injuries had been sustained by the said two injured.

Apparently, the offence punishable under Section 323 of the Indian Penal Code, 1860 is *per se* compoundable in terms of Section 320 of the Cr.PC, 1973.

The respondent nos.2 & 3 have produced their original proofs of identity, copies of which are on the record as Ex.CW2/A & Ex.CW3/A. The respondent nos.2 & 3 in their examination on oath by the Court have affirmed having signed their affidavits as well as the settlement arrived at between them and the petitioners vide a memorandum of understanding dated 24.06.2019 Ex.CW2/D voluntarily of their own accord without any duress, coercion or pressure from any quarter. The respondent nos.2 & 3 have both stated that the petitioners have since apologized to them in as much as the petitioners are their neighbours with the petitioner no.1 being the son of their landlord, they do not oppose their prayer seeking quashing

of the FIR No.421/2003, PS Shakarpur registered under Sections 452/323/34 of the Indian Penal Code, 1860 nor do they want the petitioners to be punished in relation thereto.

The memo of parties placed on record indicates also to the effect that the parties reside in the same neighbourhood of Ganesh Nagar-II, Shakarpur, Delhi. The respondent nos.2 & 3 are both well educated having done their Masters in Botany and Mathematics respectively and the respondent no.3 states that he teaches and that they have made their statement after understanding the implications thereof, they do not oppose the prayer made by the petitioners seeking quashing of the FIR in question.

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 the circumstances thus, in view of the testimonies of the respondent nos.2 & 3 categorically testifying to the effect that the petitioners have since apologized to them in as much as the petitioners are their neighbours with the petitioner no.1 being the son of their landlord, it is considered appropriate to put a quietus to the litigation and disputes between the parties for maintenance of peace and harmony between them, in view thereof, the FIR No.421/2003, PS Shakarpur registered under Sections 452/323/34 of the Indian Penal Code, 1860 and all consequential proceedings emanating therefrom against the petitioners are quashed.

The petition is disposed of.

ANU MALHOTRA, J

JANUARY 27, 2020/vm

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CW-1 SI Rahul, PS Shakarpur.

ON S.A.

I identify the petitioner no.1 Mr. A. Sajeevan Rao, petitioner no.2 Mr. Naveen Kumar and petitioner no.3 Mr. Anil Kumar as being the accused arrayed in the FIR No.421/2003, PS Shakarpur registered under Sections 452/323/34 of the Indian Penal Code, 1860. The other accused named Deepak has since expired as also stated in the status report dated 14.08.2019 submitted under signature of Inspector Ashok Sharma, SHO, PS Laxmi Nagar. I identify the respondent no.2 Mrs. Archana Singh as being the complainant of the said FIR and I identify the respondent nos.2 & 3 as being the two injured who sustained simple injuries.

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CW-2 Mrs. Archana Singh, w/o Mr. Sanjay Singh, aged 47 years, r/o WB-137-A, Ganesh Nagar-II, Shakarpur, Delhi.

ON S.A.

I have brought my original proof of identity, copy of which is on the record as Ex.CW2/A. My affidavit annexed to the petition bears my signatures thereon at points A & B thereon on Ex.CW2/B and my affidavit dated 23.01.2020 in response to the petition bears my signatures thereon at points A & B thereon on Ex.CW2/C. A settlement has since been arrived at between me and the petitioners vide a memorandum of understanding dated 24.06.2019 which bears my signatures thereon on each page thereof as also visible at point A on Ex.CW2/D. I have signed these documents voluntarily of my own accord without any duress, coercion or pressure from any quarter.

In as much as the petitioner nos.1, 2 & 3 have since apologized to me, I do not oppose their prayer seeking quashing of the FIR No.421/2003, PS Shakarpur registered under Sections 452/323/34 of the Indian Penal Code, 1860 nor do I want the petitioners to be punished in relation thereto.

The petitioners are my neighbours with the petitioner no.1 being the son of my landlord.

I have done M.Sc. in Botany.

I have made my statement after understanding its implications

voluntarily of my own accord without any duress, coercion or pressure from any quarter.

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CW-3 Mr. Sanjay Singh, s/o Mr. Yogesh Singh, aged 48 years, r/o WB-137-A, Ganesh Nagar-II, Shakarpur, Delhi.

ON S.A.

I have brought my original Election Commission Identity Card, copy of which is on the record as Ex.CW3/A. My affidavit annexed to the petition bears my signatures thereon at points A & B thereon on Ex.CW3/B. The settlement deed arrived at between me and the petitioners vide a memorandum of understanding dated 24.06.2019 bears my signatures thereon on each page thereof as also visible at point B on Ex.CW2/D. I have signed these documents voluntarily of my own accord without any duress, coercion or pressure from any quarter.

In view of the petitioner nos.1, 2 & 3 having since apologized to me and the settlement deed Ex.CW2/D arrived at between me and the petitioners, I do not oppose their prayer seeking quashing of the FIR No.421/2003, PS Shakarpur registered under Sections 452/323/34 of the Indian Penal Code, 1860 nor do I want the petitioners to be punished in relation thereto.

The petitioners are my neighbours with the petitioner no.1 being the son of my landlord.

I have done M.Sc. in Mathematics and I teach.

I have made my statement after understanding its implications

voluntarily of my own accord without any duress, coercion or pressure from any quarter.

RO & AC
27.01.2020

ANU MALHOTRA, J