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

+ **CRL.M.C. 3178/2019**

SUBHAM CHAUHAN & ANR

..... Petitioners

Through: Petitioners in person with Mr. Varun
Mishra, Mr. Ashraj Ali, Advocates.

versus

THE STATE (GOVT. OF NCT OF DELHI) & ORS

..... Respondents

Through: Mr. Raghuvinder Varma, APP for
State with SI Ashish, PS Jyoti Nagar.
R-2 to 4 in person with Mr. Kuldeep
Rai & Ms. Lavika Taloo, Advocates
for R-2 to 4.

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

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29.01.2020

Vide the present petition, the petitioners seek the quashing of the FIR No.923/2015, PS Jyoti Nagar registered under Sections 308/452/509/506/34 of the Indian Penal Code, 1860 submitting to the effect that a settlement has been arrived at between the parties vide a compromise deed dated 17.05.2019 and all disputes between the parties have been amicably resolved and no useful purpose would be served by the continuation of the proceedings in relation to the present FIR.

The petitioner nos. 1 & 2 are aged 23 and 28 years respectively. The Investigating Officer of the case has identified the petitioner no.1 Subham Chauhan and petitioner no.2 Manish Chauhan present today in Court as

being the two accused arrayed in the FIR No.923/2015, PS Jyoti Nagar registered under Sections 308/452/509/506/34 of the Indian Penal Code, 1860 and he has also identified the respondent no.2 Bharat Bhushan as being the complainant of the said FIR and respondent no.2, respondent no.3 Harshit Kaushik and petitioner no.4 Akshit Kaushik @ Rohan as being the injured in the said case. He has further testified to the effect that the injuries sustained by the respondent nos. 2, 3 & 4 were caused by a blunt object with simple injuries having been sustained by them and that there are no previous adverse antecedents against the petitioners.

The MLCs of the injured persons have been produced which indicate that simple injuries have been sustained by the injured persons.

The respondent nos. 2 to 4 in their depositions on oath have testified to having signed their respective affidavits in support of the averments made in the petition and that they do not oppose the prayer made by the petitioners seeking the quashing of the FIR No.923/2015, PS Jyoti Nagar registered under Sections 308/452/509/506/34 of the Indian Penal Code, 1860 as the petitioners have since apologized to them and that the petitioners reside in the same locality in which they reside.

In reply to a specific Court query, it has been informed on behalf of the State that there are no previous adverse antecedents against the petitioners and that there is no opposition to the prayer made by the petitioners seeking the quashing of the FIR in question.

In the circumstances thus, in view of the ages of the petitioners and the factum that the petitioners and the respondent nos. 2 to 4 reside in the same locality with it having been submitted that the incident took place at

the spur of the moment and that there appears no reason to disbelieve the statements made by the respondent nos. 2 to 4 that they have arrived at the settlement with the petitioners voluntarily of their own accord without any duress, coercion or pressure from any quarter, in the interest of justice, for maintenance of peace and harmony between the petitioners and the respondent nos. 2 to 4, it is considered appropriate to put a quietus to the litigation between the parties.

In view thereof, the FIR No.923/2015, PS Jyoti Nagar registered under Sections 308/452/509/506/34 of the Indian Penal Code, 1860 and all consequential proceedings emanating therefrom against the petitioner no.1 Subham Chauhan and petitioner no.2 Manish Chauhan are thus quashed.

The petition is disposed of.

ANU MALHOTRA, J

JANUARY 29, 2020
'neha chopra'

IN THE HIGH COURT OF DELHI: NEW DELHI

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CRL.M.C.3178/2019

SUBHAM CHAUHAN AND ANR.Vs. STATE & ANR.

29.01.2020

CW-1 SI Ashish, PS Jyoti Nagar.

ON S.A.

I identify the petitioner no.1 Subham Chauhan and petitioner no.2 Manish Chauhan present today in Court as being the two accused arrayed in the FIR No.923/2015, PS Jyoti Nagar registered under Sections 308/452/509/506/34 of the Indian Penal Code, 1860 and I also identify the respondent no.2 Bharat Bhushan as being the complainant of the said FIR and respondent no.2, respondent no.3 Harshit Kaushik and petitioner no.4 Akshit Kaushik @ Rohan as being the injured in the said case.

The injuries sustained by the respondent nos. 2, 3 & 4 are caused by a blunt object with simple injuries having been sustained by them.

There are no previous adverse antecedents against the petitioners.

RO & AC
29.01.2020

ANU MALHOTRA, J

IN THE HIGH COURT OF DELHI: NEW DELHI

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CRL.M.C.3178/2019

SUBHAM CHAUHAN AND ANR.Vs. STATE & ANR.

29.01.2020

CW-2 Mr. Bharat Bhushan, s/o late Sh. Om Prakash, age 50 years, r/o B-137, Gali No.5, Ashok Nagar, Shahdra, Mandoli Saboli, North East, Delhi-110093.

ON S.A.

I have brought my original Election Commission Identity Card, photocopy of the same is directed to be placed on the record. My affidavit in support of the averments made in the petition bears my signatures at points A & B on Ex.CW2/A. The compromise deed dated 17.05.2019 also bears my signatures as visible at point A on Ex.CW2/B, I have signed these documents voluntarily of my own accord without any duress, coercion or pressure from any quarter.

The petitioners reside in the same locality where I reside and they have since apologized to me. In view of the settlement arrived at between me and the petitioners, I thus, do not oppose the prayer made by the petitioners seeking the quashing of the FIR No.923/2015, PS Jyoti Nagar registered under Sections 308/452/509/506/34 of the Indian Penal Code, 1860 nor do I want the petitioners to be punished in relation thereto.

I am a graduate and I run a mobile shop.

I have made my statement after understanding the implications thereof voluntarily of my own accord without any duress, coercion or pressure from any quarter.

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CW-3 Mr. Harshit Kaushik, s/o Sh. Bharat Bhushan, s/o late Sh. Om Prakash, age 26 years, r/o B-137, Gali No.5, Ashok Nagar, Shahdra, Mandoli Saboli, North East, Delhi-110093.

ON S.A.

I have brought my original Driving Licence, photocopy of the same is directed to be placed on the record. My affidavit in support of the averments made in the petition bears my signatures at points A & B on Ex.CW3/A. The compromise deed dated 17.05.2019 also bears my signatures as visible at point B on Ex.CW2/B, I have signed these documents voluntarily of my own accord without any duress, coercion or pressure from any quarter.

The petitioners reside in the same locality where I reside and they have since apologized to me. In view of the settlement arrived at between me and the petitioners, I thus, do not oppose the prayer made by the petitioners seeking the quashing of the FIR No.923/2015, PS Jyoti Nagar registered under Sections 308/452/509/506/34 of the Indian Penal Code, 1860 nor do I want the petitioners to be punished in relation thereto.

I have done my MBA.

I have made my statement after understanding the implications thereof voluntarily of my own accord without any duress, coercion or pressure from any quarter.

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29.01.2020

ANU MALHOTRA, J

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SUBHAM CHAUHAN AND ANR.Vs. STATE & ANR.

29.01.2020

CW-4 Mr. Akshit @ Rohan, s/o Sh. Bharat Bhushan, s/o late Sh. Om Prakash, age 19 years, r/o B-137, Gali No.5, Ashok Nagar, Shahdra, Mandoli Saboli, North East, Delhi-110093.

ON S.A.

My affidavit in support of the averments made in the petition bears my signatures at points A & B on Ex.CW4/A. The compromise deed dated 17.05.2019 also bears my signatures as visible at point C on Ex.CW2/B, I have signed these documents voluntarily of my own accord without any duress, coercion or pressure from any quarter.

The petitioners reside in the same locality where I reside and they have since apologized to me. In view of the settlement arrived at between me and the petitioners, I thus, do not oppose the prayer made by the petitioners seeking the quashing of the FIR No.923/2015, PS Jyoti Nagar registered under Sections 308/452/509/506/34 of the Indian Penal Code, 1860 nor do I want the petitioners to be punished in relation thereto.

I am pursuing my B.A. IIIrd year.

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
29.01.2020

ANU MALHOTRA, J