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

+ CRL.M.C. 3230/2019

AVTAR SINGH & ORS

..... Petitioners

Through: Petitioner nos. 1, 2 & 4 in person with
Mr. Harjinder Singh, Advocate.

versus

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

Through: Ms. Meenakshi Dahiya, APP for State
with SI Rakesh Malia, PS Jagat Puri.
R-2 in person with Mr. Tarmeem
Alam, Advocate for R-2.

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

% **08.01.2020**

The petitioner nos. 1, 2 & 4 are present in person and the petitioner no.3 is not present today. It is informed on behalf of the petitioner no.4 that the petitioner no.3 is unwell.

The petitioners vide the present petition seek the quashing of the FIR No.28/2014, PS Jagat Puri registered under Sections 354/354B/323/34 of the Indian Penal Code, 1860 submitting to the effect that a settlement has been arrived at between the parties on 08.01.2019 at the Delhi Mediation Centre, KKD Courts, New Delhi during the course of the proceedings in relation to CC No.192/2017 and in relation to FIR No.491/2013, PS Jagat Puri registered under Sections 308/350/509/34 of the Indian Penal Code, 1860 and during the course of the said proceedings, a mediation settlement was

also arrived at between the parties in relation to the FIR No.28/2014, PS Jagat Puri registered under Sections 354/354B/323/34 of the Indian Penal Code, 1860.

The Investigating Officer of the case is present and has identified the petitioner nos. 1, 2 & 4 present today in Court as well as the proof of identify of the petitioner no.3 placed on the record as being the accused arrayed in the FIR No.28/2014, PS Jagat Puri registered under Sections 354/354B/323/34 of the Indian Penal Code, 1860 and he has also identified the respondent no.2 as being the complainant and one of the injured thereto and has also identified the respondent no.3 as being the other injured in FIR No.28/2014, PS Jagat Puri registered under Sections 354/354B/323/34 of the Indian Penal Code, 1860.

The respondent no.2 i.e. the complainant of the FIR in question has produced her proof of identity in the form of her original Election Commission Card, photocopy of which is on the record as Ex.CW2/A. The respondent no.2 in her deposition on oath by the Court has affirmed having signed her affidavit in support of the averments made in the petition which is annexed to the petition as no objection to the petition at points A & B on Ex.CW2/B as well as the settlement which has been arrived at between her and the petitioners at the Delhi Mediation Centre, KKD Courts, New Delhi on 08.01.2019 on each page thereof as visible at point A on Ex.CW2/C, which she has stated that she has signed voluntarily of her own accord without any duress, coercion or pressure from any quarter. She has further testified to the effect that the petitioner no.4 is her sister-in-law and the petitioner nos. 1 to 3 are her children. She has further stated to the effect that

she has studied till Standard XII and that she has understood the implications of the statement made by her and in view of the settlement arrived at between her and the petitioners, she does not oppose the prayer made by the petitioners seeking the quashing of the FIR No.28/2014, PS Jagat Puri registered under Sections 354/354B/323/34 of the Indian Penal Code, 1860 nor does she want the petitioners to be punished in relation thereto.

The respondent no.3 Sh.Gurmukh Singh is aged 89 years and in his deposition on oath on production of his proof of identity, photocopy of which is on the record as Ex.CW3/A has affirmed having signed his affidavit Ex.CW3/B in support of the averments made in the petition as no objection to the prayer made by the petitioners seeking the quashing of the FIR in question, which he has stated that he has signed voluntarily of his own accord without any duress, coercion or pressure from any quarter. He has further submitted that after the settlement arrived at between him and the petitioners, which settlement has been arrived at at the Delhi Mediation Centre, KKD Courts, Delhi through Smt. Satnam Kaur i.e. his daughter-in-law, there are no problems now from the petitioners. He has further stated that the petitioner nos. 1 to 3 are the children of his son namely Sh. Talvinder Singh and that the petitioner no.4 is his other daughter-in-law, the wife of his son, Sh. Talvinder Singh and in as much as, it is a family matter, he thus, does not oppose the prayer made by the petitioners seeking the quashing of the FIR No.28/2014, PS Jagat Puri registered under Sections 354/354B/323/34 of the Indian Penal Code, 1860 nor does he want them to be punished in relation thereto.

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 as much as the petitioner nos. 1 to 4 and the respondent nos. 2 & 3 are closely related.

In the circumstances, as there appears no reason to disbelieve the statements made by the respondent nos. 2 & 3 that they have arrived at a settlement with the petitioners voluntarily of their own accord without any duress, coercion or pressure from any quarter, for maintenance of peace and harmony between the petitioner nos. 1 to 4 and the respondent nos. 2 & 3 and for the well being of the respondent no.3 who is aged 89 years now, it is considered appropriate to put a quietus to the litigation between the parties.

In view thereof, the FIR No.28/2014, PS Jagat Puri registered under Sections 354/354B/323/34 of the Indian Penal Code, 1860 and all the consequential proceedings emanating therefrom against the petitioner nos. 1 to 4 are thus, quashed.

The petition is disposed of accordingly.

ANU MALHOTRA, J

JANUARY 08, 2020
'neha chopra'

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CW-1 SI Rakesh Malia, PS Jagat Puri.
ON S.A.

I identify the petitioner nos. 1, 2 & 4 present today in Court as well as the proof of identify of the petitioner no.3 placed on the record as being the accused arrayed in the FIR No.28/2014, PS Jagat Puri registered under Sections 354/354B/323/34 of the Indian Penal Code, 1860 and I also identify the respondent no.2 as being the complainant and injured thereto and also identify the respondent no.3 as being the other injured.

ANU MALHOTRA, J.

RO & AC
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**CW-2 Satnam Kaur, w/o Sardar Ranjit Singh, age 59 years, r/o 161,
South Anarkali, Delhi.**

ON S.A.

I have brought my proof of identity in the form of my original Election Commission Identity Card, photocopy of which is on the record as Ex.CW2/A. My affidavit in support of the averments made in the petition annexed to the petition as no objection to the petition bears my signatures thereon at points A & B on Ex.CW2/B.

A settlement has been arrived at between me and the petitioners at the Delhi Mediation Centre, KKD Courts, New Delhi on 08.01.2019 which also bears my signatures on each page thereof as visible at point A on Ex.CW2/C, I have signed both these documents voluntarily of my own accord without any duress, coercion or pressure from any quarter.

The petitioner no.4 is my sister-in-law and the petitioner nos. 1 to 3 are her children.

I have studied till Standard XII.

I thus, do not oppose the prayer made by the petitioners seeking the quashing of the FIR No.28/2014, PS Jagat Puri registered under Sections 354/354B/323/34 of the Indian Penal Code, 1860 nor do I want the petitioners to be punished in relation thereto.

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 Gurmukh Singh, s/o Sh.Baba Singh, age 89 years, r/o South Anarkali, Delhi.

ON S.A.

I have brought my proof of identity in the form of my original Election Commission Identity Card, photocopy of which is on the record as Ex.CW3/A. My affidavit in support of the averments made in the petition annexed to the petition as no objection to the petition bears my signatures thereon at points A & B on Ex.CW3/B which I have signed voluntarily of my own accord without any duress, coercion or pressure from any quarter.

A settlement dated 08.01.2019 arrived at at the Delhi Mediation Centre, KKD Courts, New Delhi on 08.01.2019 has been entered into by Smt. Satnam Kaur who is my daughter-in-law wife of Sh. Ranjit Singh on my behalf, the copy of the same as issued by the Delhi Mediation Centre, KKD Courts, New Delhi is on the record as Ex.CW2/C. Pursuant to the said settlement arrived at between me and the petitioners, there are now no problems. Mr. Talvinder Singh is my son, the petitioner nos. 1 & 2 are his sons (i.e. my grand children), the petitioner no.3 is my grand daughter i.e. daughter of Sh. Talvinder Singh and the petitioner no.4 is the wife of Sh. Talvinder Singh i.e. my daughter-in-law.

I thus, do not oppose the prayer made by the petitioners seeking the quashing of the FIR No.28/2014, PS Jagat Puri registered under Sections 354/354B/323/34 of the Indian Penal Code, 1860 nor do I want the

petitioners to be punished in relation thereto as they are my family members i.e. grand children, my daughter-in-law.

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

ANU MALHOTRA, J.

RO & AC
08.01.2020