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

+ **CRL.M.C. 3607/2019**

MAYANK SHARMA

..... Petitioner

Through: Petitioner in person with Ms. Jyoti
Batra, Advocate.

versus

STATE & ORS.

..... Respondents

Through: Ms. Meenakshi Dahiya, APP for State
with ASI Sudershannan, PS South
Rohini.
R-2 in person.

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

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12.02.2020

Vide the present petition, the petitioner seeks the quashing of the FIR No.809/2015, PS Rohini South under Sections 323/324/34 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 24.06.2019 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 Mayank Sharma as being the accused arrayed in the FIR No.809/2015, PS Rohini South under Sections 323/324/34 of the Indian Penal Code, 1860 and has also identified the respondent no.2 Mod. Irshad @ Chand Khan as being the complainant of the said

FIR and the respondent nos.2 & 3 (respondent no.3 namely Md. Ushman) as being the injured in relation thereto. He has further stated that the person present in person namely Mod. Irshad @ Chand Khan is the complainant of the case and to similar effect is the statement made by Mod. Irshad that he has an alias of the name Chand Khan.

The respondent nos. 2 & 3 have produced their original proofs of identities, photocopies of which are on the record as Ex.CW2/A and Ex.CW3/A. The respondent nos.2 & 3 in their depositions on oath by the Court have affirmed having signed their respective affidavits as well as the compromise deed dated 24.06.2019 and have further stated that they have arrived at a settlement with the petitioner voluntarily of their own accord without any duress, coercion or pressure from any quarter. They have further stated that in terms of the settlement arrived at between them, they have received a total sum of Rs.25,000/- from the petitioner.

On behalf of the State, there is no opposition to the prayer made by the petitioner seeking the quashing of the FIR in question in view of the settlement arrived at between the parties.

In the circumstances, in as much as, the injuries sustained by the respondent nos. 2 & 3 are simple in nature and there being no reason to disbelieve the statement made by the respondent nos.2 & 3 that they have arrived at a settlement with the petitioner voluntarily, for maintenance of peace and harmony between the parties it is considered appropriate to put a quietus to the litigation between the parties in relation to the FIR in question.

In view thereof, the FIR No.809/2015, PS Rohini South under Sections 323/324/34 of the Indian Penal Code, 1860 and all consequential proceedings emanating therefrom against the petitioner Mayank Sharma are thus, quashed.

The petition is disposed of.

ANU MALHOTRA, J

FEBRUARY 12, 2020
'neha chopra'

IN THE HIGH COURT OF DELHI: NEW DELHI

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CRL.M.C. 3607/2019

MAYANK SHARMA VS. STATE & ORS.

12.02.2020

CW-1 ASI Sudershanan, PS South Rohini.

ON S.A.

I identify the petitioner Mayank Sharma as being the accused arrayed in the FIR No.809/2015, PS Rohini South under Sections 323/324/34 of the Indian Penal Code, 1860 and I also identify the respondent no.2 Mod. Irshad @ Chand Khan as being the complainant of the said FIR and the respondent nos.2 & 3 (respondent no.3 namely Md. Ushman) as being the injured in relation thereto.

The complainant i.e. Chand Khan is also known by the name Mod. Irshad and is present today in Court.

The injuries sustained by the injured in the instant case were simple in nature.

RO & AC
12.02.2020

ANU MALHOTRA, J

IN THE HIGH COURT OF DELHI: NEW DELHI

25

CRL.M.C. 3607/2019

MAYANK SHARMA VS. STATE & ORS.

12.02.2020

**CW-2 Mod. Irshad @ Chand Khan, s/o Sh. Imteyaz Khan, age 22 years,
r/o D-36, Vijay Vihar, Phase-II, Rohini 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 compromise deed dated 24.06.2019 entered 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 terms of the settlement arrived at between me and the petitioner, a total sum of Rs.25,000/- was agreed to be paid to me and to Md. Ushman by the petitioner which I have since received. There are now no claims of mine left against the petitioner. In view thereof, I do not oppose the prayer made by the petitioner seeking the quashing of the FIR No.809/2015, PS Rohini South under Sections 323/324/34 of the Indian Penal Code, 1860 nor do I want the petitioner to be punished in relation thereto.

I have studied till Standard XII and I run a juice 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.

RO & AC

12.02.2020

ANU MALHOTRA, J

IN THE HIGH COURT OF DELHI: NEW DELHI

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CRL.M.C. 3607/2019

MAYANK SHARMA VS. STATE & ORS.

CW-3 Mod. Ushman, s/o Sh. Imteyaz Khan, age 20 years, r/o D-36, Vijay Vihar, Phase-II, Rohini Delhi.

ON S.A.

I have brought my original proof of identity, photocopy of which is on the record as Ex.CW3/A. My affidavit in support of the averments made in the petition bears my signatures at points A & B on Ex.CW3/B. The compromise deed dated 24.06.2019 entered between me and the petitioner also bears my signatures as visible at point B on Ex.CW2/C, I have signed these documents voluntarily of my own accord without any duress, coercion or pressure from any quarter.

In terms of the settlement arrived at between me and the petitioner, a total sum of Rs.25,000/- was agreed to be paid to me and to Mod. Irshad @ Chand Khan by the petitioner, which I have since received. There are now no claims of mine left against the petitioner. In view thereof, I do not oppose the prayer made by the petitioner seeking the quashing of the FIR No.809/2015, PS Rohini South under Sections 323/324/34 of the Indian Penal Code, 1860 nor do I want the petitioner to be punished in relation thereto.

I have studied till Standard XII and I run a 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.

RO & AC
12.02.2020

ANU MALHOTRA, J