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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 3995/2019 and Crl.M.A. No. 33457/2019**

VINOD KUMAR

..... Petitioner

Through: Mr.Jaspreet Singh, Mr.Naveen Kumar
and Mr.Jaspreet Singh, Advocates
with petitioner in person.

versus

STATE & ANR.

..... Respondents

Through: Mr. Sanjeev Sabharwal, APP for State
With SI Dhan Singh, PSSabzi Mandi
Mr.Vipin , Advocate for R-2 with R-2
in person.

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

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03.02.2020

The petitioner vide the present petition seeks quashing of FIR No.199/2015 PS Sabzi Mandi registered under Sections 452/324/308/427 of the Indian Penal Code, 1860 submitting to the effect that a settlement has been arrived at between the parties, i.e. the petitioner and the respondent No.2, the complainant of the said FIR vide a Memorandum of Understanding dated 7.8.2019.

Though the heading of the petition states that it is a petition seeking quashing of the FIR No. 282/2000, PS Sabzi Mandi registered under Section 324/308/4562/427 of the Indian Penal Code, 1860 registered on 15.4.2015, the prayer made vide clause 3 therein indicates that the FIR No. is 199/2015, PS Sabzi Mandi, registered under Sections 452/324/308/427 of the Indian Penal Code, 1860, as

also indicated by the copy of the FIR on the record and the petition is thus a petition seeking quashing of the FIR No. 199/2015, PS Sabzi Mandi, registered under Sections 452/324/308/427 of the Indian Penal Code, 1860, and is treated as such.

The Investigating Officer of the case is present and has identified the petitioner as being the sole accused arrayed in the FIR in question and he has also identified the respondent No.2 as being the complainant thereof.

The respondent No.2 in his deposition on oath, who as per the FIR is stated to be Vipin S/o Sohan Singh, has stated that his proof of identity is in the name of Chanderkant S/o Sow Singh, in as much as he is also known by the name of Vipin and that his affidavit in support of the averments made in the petition is in the name of Chanderkant. The said respondent No.2 has been duly identified by the Investigating Officer as being the same person who had got the FIR in question registered, though his name is mentioned as Vipin in the FIR and the proof of identity as produced by him is in the name of Chanderkant.

On behalf of the petitioner it is submitted that in the typed version of the copy of the FIR annexed on record there is a typographical error in the name of the parentage of the complainant indicating as Vipin S/o Mohan Singh whereas the name of complainant is Vipin S/o Sohan Singh as brought forth through the record.

The respondent No.2 in his deposition has now testified to the effect that he has signed his affidavit EX.CW-2/B and the

Memorandum of Understanding dated 7.8.2019 executed between the respondent and the petitioner Ex.CW-2/C voluntarily of his own accord without any duress, pressure or coercion from any quarter and states that his shop is still adjacent to that of the shop of the petitioner as it was at the time of the registration of the FIR. He further states that in view of the settlement between the petitioner and himself, he does not oppose the prayer made by the petitioner seeking quashing of the FIR No. 199/2015, PS Sabzi Mandi, registered under Sections 452/324/308/427 of the Indian Penal Code, 1860 despite the injuries sustained by him nor does he want the petitioner to be punished in relation thereto. He further testified to the effect that he has studied till standard XII and understands the implications of the statement made by him. He further stated that he has made his statement voluntarily of his own accord without any duress, pressure or coercion from any quarter.

In terms of the proceedings dated 4.12.2019 in as much as in terms of the Memorandum of Understanding EX.CW-2/C in Case No. 526978/16, it was indicated that the petitioner herein i.e., the accused arrayed in the FIR No. 199/15, PS Sabzi Mandi registered under sections 452/324/308/427 of the Indian Penal Code, 1860, had lodged a criminal complaint against the complainant of the FIR in question, i.e., CC No. 526978/16 which he had agreed to be withdrawn qua which it has been submitted on 4.12.2019 that the said complaint had been withdrawn on 19.9.2019. A copy of the said proceedings in the complaint case No. 526978/16 were directed to be placed on record by the petitioner and on behalf of the petitioner has been produced the

certified copy of the proceeding sheets dated 19.9.2019 in CC No. 526978/16 in the case titled as Vinod Kumar V. Vipin; of the Court of the Chief Metropolitan Magistrate, Central Delhi, which indicates that the said complaint was dismissed in default and for non-prosecution.

The petitioner of the present petition i.e., the complainant of the Complaint Case No. 526978/16 has testified on oath as CW-3 to the effect that vide proceeding sheet dated 19.9.2019 EX.CW-3/B the complaint of the petitioner has since been dismissed as withdrawn and that he shall not be seeking the restoration of the said complaint case and that he has signed the Memorandum of Understanding EX.CW-2/C voluntarily of his own accord without any duress, pressure or coercion from any quarter.

In the circumstances as it is apparent that a settlement has been arrived at between the petitioner and the respondent No.2 despite the injuries sustained by the respondent No.2 though caused by a sharp object in as much as both the petitioner and the respondent No.2 have adjacent shops and the statement of the respondent No.2 indicates that after the registration of the FIR there are now no problems, for maintenance of peace and harmony between the parties, it is considered appropriate to put a quietus to the litigation between the parties qua the FIR No. 199/2015 PS Sabzi Mandi registered under Sections 452/324/308/427 of the Indian Penal Code, 1860, subject to the payment of costs of Rs.15,000/- to be deposited by the petitioner with the Delhi High Court Legal Services Committee within a week and the submission of the receipt on the record, the FIR and all proceedings emanating therefrom, if any, against the petitioner are

thus quashed.

The petition is disposed of.

FEBRUARY 03, 2020/SV

ANU MALHOTRA, J

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VINOD KUMAR V. STATE & ANR.

**CW-1 SI DHAN SINGH PS SABZI MANDI
ON S.A.**

I identify the petitioner as being the sole accused arrayed in FIR No.199/2015 PS Sabzi Mandi registered under Sections 452/324/308/427 of the Indian Penal Code, 1860 present in the Court today. I also identify the respondent No.2 present in the Court today as being the complainant of the said FIR. Though the complainant has placed on record his proof of identity in the form of Aadhar Card, placed at page 34 in the name of Chanderkant S/o Sow Singh, he is the same person named as Vipin @ Chanderkant in the FIR.

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CW-2 VIPIN @ CHANDERKANT S/O SOHAN SINGH R/O H. NO. T-224, MAIN ROAD MALKA GANJ DELHI AND R/O H. No.T-1689, GALI VISHESHAR NATH, SABZI MANDI, AGED 32 YEARS ON S.A.

I have brought the original proof of my identity, i.e., the Aadhar Card. The photocopy of the same is Ex.CW-2/A.

My name is Chanderkant but I am known by the name of Vipin thus my Aadhar Card is in the name Chanderkant.

My affidavit in support of the averments made in the petition bears my signatures thereon at points A & B on Ex.CW-2/B. The Memorandum of Understanding dated 7.8.2019 executed between me and the petitioner bears my signatures thereon as visible at point A on Ex.CW-2/C. I have signed these document voluntarily of my own accord without any duress, pressure or coercion from any quarter. The injuries in the instant case are simple caused by a sharp object as per the MLC No. 2309/15 of the Hindu Rao Hospital. In view of the settlement arrived at between me and the petitioner I do not oppose the prayer made by the petitioner seeking quashing of the FIR No. 199/2015, PS Sabzi Mandi registered under Sections 452/324/308/427 of the Indian Penal Code, 1860, nor do I want the petitioner to be punished in relation thereto. I have studied till XII standard and run a shop and the petitioner's shop is adjacent to my shop at Malka Ganj. I have understood the implications of the statement made by me. I

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

ANU MALHOTRA, J.

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CW-3 VINOD KUMAR S/O SH. PARMA NAND, R/O D-8 FIRST FLOOR DOUBLE STOREY NEAR LAXMI NARYAN MANDI, MALKA GANJ, DELHI, AGED 46 YEARS

I have brought the original proof of my identity, i.e., the Election Commission Identity Card. The photocopy of the same is Ex.CW-3/A.

The certified copy of the proceedings dated 19.9.2019 in case No. 526978/16, the complaint filed by me is on the record as EX.CW-3/B. I state that I do not intend seeking restoration of the said complaint case No. 526978/16 against the respondent No.2 herein, which has been dismissed in default and for non-prosecution, vide order dated 19.9.2019, the certified copy of which is EX.CW-3/C in as much as the settlement arrived at between me and the R-2 and the Memorandum of Understanding dated 17.8.2019 between me and the respondent No.2 bears my signatures thereon as visible at point B on EX.CW-2/C. I have signed the same voluntarily of my own accord without any duress, pressure or coercion from any quarter

ANU MALHOTRA, J.

RO & AC

03.02.2020