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

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Judgment delivered on: 13.03.2020.

+ CRL.M.C. 1692/2018

DEEPA ARYA

..... Petitioner

versus

STATE(NCT OF DELHI)& ANR

..... Respondents

+ W.P.(CRL) 3624/2017

DEEPA ARYA

..... Petitioner

versus

THE STATE GOVT OF NCT OF DELHI & ANR.

.... Respondents

+ W.P.(CRL) 1544/2019

DEEPA ARYA & ANR

..... Petitioners

versus

THE STATE & ORS

..... Respondents

+ W.P.(CRL) 2311/2019

DEEPA ARYA

..... Petitioner

versus

THE STATE & ANR.

..... Respondents

+ W.P.(CRL) 2315/2019
DEEPA ARYA Petitioner

versus

THE STATE & ANR. Respondents

+ W.P.(CRL) 2408/2019
GAURAV GOEL Petitioner

versus

STATE & ORS. Respondents

+ W.P.(CRL) 2312/2019
DEEPA ARYA Petitioner

versus

THE STATE & ANR. Respondents

+ W.P.(CRL) 2314/2019
DEEPA ARYA Petitioner

versus

STATE & ANR. Respondent

Advocates who appeared in this case:

For the Petitioner: Mr. R.K. Saini with Mr. Awadh Kaushik, Mr. Ankit Singh and Ms. Tavishi Vats, Advocates.

For the Respondent: Mr. Piyush Singh, Advocate for Mr. Ashish Aggarwal, ASC, State in W.P.(Crl.) 2408/2019
Ms. Nandita Rao, ASC with Mr. Amit Peshwani, Advocate for State.
Mr. P. Venkata Raman with Mr. Selvaraj Manoj, Mr. Shauraya Verma and Mr. V. Senthail Kumar, Advocates for respondent No.2.

Mr. Jagat Singh, applicant in CrI.M.A.3943/2020,
CrI.M.A.5375/2020 & CrI.M.A.5373/2020
SI Babu Lal, PS S.J. Enclave in W.P.(CrI.)2311/2019
Insp. Shyam Sunder, SOS-II, Crime Branch.
Insp. Mukesh Kumar Singh, Spl. Cell.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

CrI.M.A.33855/2019 (exemption) in W.P.(CrI.) 2315/2019
CrI.M.A.34594/2019 (exemption), in W.P.(CrI.) 2408/2019

Exemptions are allowed subject to all just exceptions.

CrI.M.A.3943/2020 (seeking directions to implead Mr. Jagat Singh as petitioner No.2) in W.P.(CRL) 2311/2019

CrI.M.A.5375/2020 (seeking directions to implead Mr. Jagat Singh as petitioner No.2) in W.P.(CRL.) 2312/2019

CrI.M.A.5373/2020 (seeking directions to implead Mr. Jagat Singh as petitioner No.2) in W.P.(CRL.) 2314/2019

1. By these applications, Mr. Jagat Singh has sought impleadment in the petitions as petitioner No.2 and also stay of coercive action against him in the subject FIR.

2. Mr. Jagat Singh submits that since there is no settlement, he would like to withdraw the applications with liberty to file a substantive petition seeking quashing of the FIRs on merits qua him.

3. Applications are, accordingly, dismissed as withdrawn, with

liberty as prayed for.

CRL.M.C. 1692/2018, W.P.(CRL) 3624/2017 & Crl.M.A.21481/2017 (stay), W.P.(CRL) 1544/2019, W.P.(CRL) 2311/2019, Crl.M.A.5471/2020 (for directions), Crl.M.A.3738/2020 (stay), Crl.M.A.3942/2020 (stay), W.R.(CRL.) 2315/2019, W.R.(CRL.) 2408/2019, W.P.(CRL.) 2312/2019, W.P.(Crl.) 2314/2019

1. Pursuant to order dated 11.03.202, Status report is filed by the Station House Officer, Police Station: Safdarjung Enclave, in Court. The same is taken on record.
2. These writ petitions were filed for quashing of the FIRs on the ground that parties have settled their disputes in mediation on 15.05.2019 and the respective complainants did not wish to press their respective complaints.
3. After 15.05.2019, pursuant to the settlement and consent given by the complainants, some of the cross-FIRs were also quashed.
4. Allegation has been made on behalf of the complainants that Ms. Deepa Arya the petitioner in CRL.M.C. 1692/2018, W.P.(CRL) 3624/2017, W.P.(CRL) 1544/2019, W.P.(CRL) 2311/2019, , W.R.(CRL.) 2315/2019, W.P.(CRL.) 2312/2019 and W.P.(Crl.) 2314/2019, has sent threatening SMS from Mobile No.+ 91 9999351167 to mobile No. + 91 9999692752 of Mr. Gaurav Goel on 09.01.2020.

5. Though this is denied by the learned counsel appearing for Ms. Deepa Arya. However, the status report filed in court by the Station House Officer, Police Station: Safdarjung Enclave has confirmed that on 09.01.2020 at 00:21:48 hrs a message was sent from Mobile No. 9999351167 to mobile No. 9999692752.

6. The Status Report also states that Ms. Deepa Arya has stated that Mobile No. 9999351167 was given to her by Mr. R.K. Saini (her advocate) 18.12.2017 and she had used it till 15.02.2020, when the mobile phone containing the said SIM was lost. Report also states that Mr. Rakesh Kumar Saini is the registered owner of the said mobile number.

7. Learned Counsel for the complainant submits Ms. Deepa Arya has breached the terms of the settlement by sending the threatening SMS and has even deposed against the complainant in the departmental enquiry against the police officers. He submits that the complainant are constrained not to give their no objection to the quashing of the subject FIRs.

8. Mr. R.K. Saini, Advocate appearing for Ms. Deepa Arya submits that breach of the settlement is on the part of the complainants.

9. The allegations and counter allegations clearly show that the parties are now not at *ad-idem* with regard to the settlement and

accordingly the settlement cannot be implemented.

10. Since these petitions have been filed for quashing solely based on the settlement agreement and now there are allegations and counter allegations, these petitions cannot be allowed and subject FIRs cannot be quashed purely on the basis of the settlement.

11. The Petitions are, accordingly, dismissed. Interim orders are vacated.

12. Order *Dasti* under signatures of the Court Master.

SANJEEV SACHDEVA, J

MARCH 13, 2020
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