

\$~1

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 4454/2019 & CRL.M.A. 35172/2019**

HANUMANT & ANR Petitioners
Through: Petitioners in person with Mr.
Deepak, Advocate.

versus

THE STATE & ANR Respondents
Through: Mr. Ashok Kumar Garg, APP for
State with SI Tej Ram, PS Najafgarh.
R-2 in person with Ms. Raji Nathani,
Advocate for R-2.

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER
% **06.02.2020**

Vide the present petition, the petitioners seek the quashing of the FIR No.262/2012, PS Najafgarh under Sections 448/451/506-II/34 of the Indian Penal Code, 1860 submitting to the effect that a settlement has been arrived at between the parties vide a Memorandum of Understanding dated 05.04.2019 and all disputes between the parties *inter se* have since been resolved with it having been further submitted through the Memorandum of Understanding dated 05.04.2019 and also stated by the respondent no.2 in reply to a specific Court query that the cross complaint case No.47/1/2015 filed by the petitioner no.1 against the respondent no.2 has since been withdrawn from the Dwarka Courts.

The Investigating Officer of the case is present and has identified the petitioner nos. 1 to 3 i.e. petitioner no.1 Hanumant, petitioner no.2 Ishwar

Devi and petitioner no.3 Rohit Goyal as being the three accused arrayed in the FIR No.262/2012, PS Najafgarh under Sections 448/451/506-II/34 of the Indian Penal Code, 1860 and he has also identified the respondent no.2 Mr. Yogesh Dhawan as being the complainant thereof.

In as much as, on a perusal of the averments made in the FIR, there was another accused person named as Mr. Satpal who is stated to be one of the other alleged assaulters, in reply to a specific Court query, it has been submitted on behalf of the petitioners and not refuted on behalf of the State that vide order dated 06.09.2019 of the learned CMM, South West in relation to FIR No.262/2012, Ps Najafgarh, it has been specifically observed to the effect that the said Satpal was arrayed only in Column No.12 of the charge sheet and that on 10.08.2015, the Trial Court had not chosen to summon the said Satpal and that the summons had only been issued qua the present three petitioners. It is in these circumstances, the present petition has been taken up for consideration.

The respondent no.2 in his deposition on oath has affirmed having signed his affidavit in support of the averments made in the petition at points A & B on Ex.CW2/B as well as the Memorandum of Understanding dated 05.04.2019 on each page thereof as also visible at point A on Ex.CW2/C, qua which he states that he has signed these documents voluntarily of his own accord without any duress, coercion or pressure from any quarter. He has further testified to the effect that there are no disputes left between them *inter se* and in view of the settlement arrived at between him and the petitioner nos. 1 to 3 vide a Memorandum of Understanding dated 05.04.2019, he does not oppose the prayer made by the petitioners seeking

the quashing of the FIR No.262/2012, PS Najafgarh under Sections 448/451/506-II/34 of the Indian Penal Code, 1860 nor does he want the petitioners 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.

The respondent no.2 is apparently well educated and he is a doctor by profession and states that he has understood the implications of the statement made by him, there appears no reason to disbelieve his statement that he has arrived at a settlement with the petitioners voluntarily of his own accord without any duress, coercion or pressure from any quarter.

In view of the deposition of the respondent no.2 and the non-opposition on behalf of the State, it is considered appropriate to put a quietus to the litigation between the parties, the FIR No.262/2012, PS Najafgarh under Sections 448/451/506-II/34 of the Indian Penal Code, 1860 and all consequential proceedings emanating therefrom against the petitioner nos. 1 to 3 i.e. petitioner no.1 Hanumant, petitioner no.2 Ishwar Devi and petitioner no.3 Rohit Goyal are thus quashed.

The petition is disposed of.

ANU MALHOTRA, J

FEBRUARY 06, 2020
'neha chopra'

IN THE HIGH COURT OF DELHI: NEW DELHI

1

CRL.M.C. 4454/2019

HANUMANT & ANR. VS. STATE & ANR.

06.02.2020

CW-1 SI Tej Ram, PS Najafgarh.

ON S.A.

I identify the petitioner nos. 1 to 3 i.e. petitioner no.1 Hanumant, petitioner no.2 Ishwar Devi and petitioner no.3 Rohit Goyal as being the three accused arrayed in the FIR No.262/2012, PS Najafgarh under Sections 448/451/506-II/34 of the Indian Penal Code, 1860 and I also identify the respondent no.2 Mr. Yogesh Dhawan as being the complainant thereof.

RO & AC
06.02.2020

ANU MALHOTRA, J

IN THE HIGH COURT OF DELHI: NEW DELHI

1

CRL.M.C. 4454/2019

HANUMANT & ANR. VS. STATE & ANR.

06.02.2020

CW-2 Mr. Yogesh Dhawan, s/o late Sh. Khairati Lal Dhawan, age 53 years, r/o C-476, Yojana Vihar, New 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 Memorandum of Understanding dated 05.04.2019 also bears my signatures on each page thereof as also 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. The counter case filed against me by the petitioner no.1 i.e. CC No.47/1/2015 at Dwarka Courts has been withdrawn by the petitioner no.1.

In view of the settlement arrived at between me and the petitioner nos. 1 to 3 vide a Memorandum of Understanding dated 05.04.2019, I do not oppose the prayer made by the petitioners seeking the quashing of the FIR No.262/2012, PS Najafgarh under Sections 448/451/506-II/34 of the Indian Penal Code, 1860 nor do I want the petitioners to be punished in relation thereto.

I am a doctor by profession.

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
06.02.2020

ANU MALHOTRA, J