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

+ **CRL.M.C. 4538/2019**

SH.MANAV

..... Petitioner

Through: Petitioner in person with Mr. Arun
Kumar Rathi, Advocate.

versus

STATE (GNCT OF DELHI) & ANR.

..... Respondents

Through: Mr. Ashok Kumar Garg, APP for
State with SI Shailender, PS
Mukherjee Nagar.
R-2 in person with Mr. G.C. Rattan,
Advocate for R-2.

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

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03.03.2020

Vide the present petition, the petitioner seeks the quashing of the FIR No.335/2017, PS Mukherjee Nagar under Sections 308/324/34 of the Indian Penal Code, 1860 submitting to the effect that a settlement has been arrived at between the parties and no useful purpose would be served by the continuation of the proceedings in the present FIR.

The Investigating Officer of the case is present and has identified the petitioner as being the accused arrayed in the FIR No.335/2017, PS Mukherjee Nagar under Sections 308/324/34 of the Indian Penal Code, 1860 and in reply to a specific Court query has

submitted that the co-accused was not arrested and was thus, not charge sheeted and the copy of the charge sheet as produced on behalf of the petitioner corroborates the statement made by the Investigating Officer. He has also identified the respondent no.2 as being the complainant of the said FIR.

The respondent no.2 has produced his original proof of identity, photocopy of which is on the record as Ex.CW2/A. The respondent no.2 in his deposition on oath has affirmed having signed his affidavit Ex.CW2/B and the compromise deed dated 24.07.2019 between him and the petitioner as 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 in view of the settlement arrived at between him and the petitioner vide the compromise deed Ex. CW2/C and in as much as, the FIR No. 336/ 2017, PS Mukherjee Nagar under Sections 147/148/149/308/323/452/437/34 of the Indian Penal Code, 1860 inter alia against him, has since been quashed vide a separate order of even date in CRL.M.C. No.1209/2020 and that he does not oppose the prayer made by the petitioner seeking the quashing of the FIR No.335/2017, PS Mukherjee Nagar under Sections 308/324/34 of the Indian Penal Code, 1860 nor does he want the petitioner to be punished in relation thereto. He has further testified to the effect that the nature of injuries sustained by him were simple caused by a sharp object.

In reply to a specific Court query, the respondent no.2 has

stated that he has studied till Standard XII and has understood the implications of the statement made by him.

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 view of the deposition of the respondent no.2 and there being no reason to disbelieve his statement that he has arrived at a settlement with the petitioner voluntarily of his own accord and taking into account also the nature of injuries sustained by the respondent no.2 as per the MLC bearing No.134405 dated 12.03.2017 as submitted by the State along with the status report, 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.335/2017, PS Mukherjee Nagar under Sections 308/324/34 of the Indian Penal Code, 1860 and all consequential proceedings emanating therefrom against the petitioner are thus quashed.

The petition is disposed of.

ANU MALHOTRA, J

MARCH 03, 2020

'neha chopra'

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CW-1 SI Shailender, PS Mukherjee Nagar.
ON S.A.

I identify the petitioner as being the accused arrayed in the FIR No.335/2017, PS Mukherjee Nagar under Sections 308/324/34 of the Indian Penal Code, 1860 and I also identify the respondent no.2 as being the complainant of the said FIR.

Though, there are averments in the FIR of a person associated with the petitioner as being the accused, there was no such person traced out nor charge sheeted as per the police report under Section 173 of the Cr.P.C., 1973. (Learned counsel for the petitioner has produced the copy of the charge sheet which indicates that the co-accused in the instant case was not arrested, copy thereof be placed on the record.)

RO & AC
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ANU MALHOTRA, J

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CW-2 Manoj Kumar, s/o Sh. Sher Singh, age 37 years, r/o H.No.25, Village Dheerpur, 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 24.07.2019 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 view of the settlement arrived at between me and the petitioner vide the compromise deed Ex. CW2/C and in as much as, the FIR No. 336/2017, PS Mukherjee Nagar under Sections 147/148/149/308/323/452/437/34 of the Indian Penal Code, 1860 *inter alia* against me has since been quashed vide a separate order of even date in CRL.M.C. No.1209/2020, I do not oppose the prayer made by the petitioner seeking the quashing of the FIR No.335/2017, PS Mukherjee Nagar under Sections 308/324/34 of the Indian Penal Code, 1860 nor do I want the petitioner to be punished in relation thereto.

The injuries sustained by me were simple caused by a sharp object.

I have studied till Standard XII.

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
03.03.2020

ANU MALHOTRA, J