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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 4783/2019**

PIYUSH & ANR.

..... Petitioners

Through: Mr.Devendra Kumar, Advocate with
petitioners in person.

versus

STATE & ANR.

..... Respondents

Through: Ms.Meenakshi Dahiya, APP for State
with SI Sohan Vir Singh, PS Karol
Bagh
Mr.Hemant Kaushik, Adv for R-2
with R-2 in person.

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

% **05.02.2020**

The petitioners vide the present petition seek quashing of FIR No. 357/2019 PS Karol Bagh, registered under Sections 323/341/34 of the Indian Penal Code, 1860 submitting to the effect that a settlement has been arrived at between the parties amicably vide a Memorandum of Understanding dated 11.9.2019 and no useful purpose would be served by the continuation of the proceedings in the FIR in question.

A perusal of the record in the instant case indicates that on 23.9.2019 when the matter had been taken up, it had been informed on behalf of the State that the charge sheet till that date had not been filed and the MLC was awaited.

The status report dated 26.11.2019 under the signatures of the SHO Karol Bagh indicates that the charge sheet had subsequently been filed and the injuries sustained by the injured were simple. To similar effect is the statement made by the Investigating Officer who has identified the petitioner as being the accused arrayed in the FIR in question and the respondent No.2 as being the complainant of the said FIR.

The respondent No.2 in his deposition on oath has brought the original ration card in the name of his father showing his name mentioned at serial No.5 in the ration Card and has affirmed having signed his affidavit EX.CW-2/B and the Memorandum of Understanding dated 11.9.2019 EX.CW-2/C voluntarily of his own accord without any duress, pressure or coercion from any quarter. He further testified to the effect that the petitioners are the friends of his brother and that the FIR was got registered qua an incident of a road rage and that a settlement has now been arrived at between the parties vide a Memorandum of Understanding dated 11.9.2019 EXCW-2/C and that in view of the settlement arrived at between the parties, he does not oppose the prayer made by the petitioners seeking quashing of the FIR No.357/2019 PS Karol Bagh, registered under Sections 323/341/34 of the Indian Penal Code, 1860 nor does he want them to be punished in relation thereto. The respondent No.2 further testified that he has studied till standard IX and works at a Medical Store and that he has understood the implications of the statement made by him and that he has made his statement voluntarily of his own accord without any duress, pressure or coercion from any quarter.

On behalf of the State there is no opposition to the prayer made seeking quashing of the FIR. In as much as there is no reason to disbelieve the statement made by the respondent No.2 that he has arrived at a settlement with the petitioners voluntarily of his own accord without any duress, pressure or coercion from any quarter, and taking into account that the offences punishable under Sections 323/341/34 are *per se* compoundable in terms of Section 320 of the Cr.P.C., 1973, and that at the stage when the petition had been filed, the charge sheet had not been filed, in the interest of justice, thus, it is considered appropriate to put a quietus to the litigation between the parties for the maintenance of peace and harmony between them, and the FIR No.357/2019 PS Karol Bagh, registered under Sections 323/341/34 of the Indian Penal Code, 1860 and all consequential proceedings, if any, emanating therefrom against the petitioners are thus quashed.

The petition is disposed of.

ANU MALHOTRA, J

FEBRUARY 05, 2020/SV

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PIYUSH & ANR. V. STATE & ANR.

**CW-1 SI SOHANVIR PS KAROL BAGH
ON S.A.**

I identify the petitioners No. 1 and 2, namely, Piyush and Kunal as being the accused arrayed in FIR No.357/2019 PS Karol Bagh, registered under Sections 323/341/34 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.

ANU MALHOTRA, J.

**RO & AC
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PIYUSH & ANR. V. STATE & ANR.

**CW-2 AMAN S/O RAMESH AGED 22 YEARS R/O 10A/10837, 100
QUARTER, REGARPURA, KAROL BAGH, DELHI**

ON S.A.

I have brought the original ration card issued in the name of my father in which my name is mentioned at serial No.5. The copy of the same is Ex.CW2/A. I have misplaced all my documents of identity. (in as much as the Investigating Officer identifies the respondent No.2 as being the complainant of the FIR No. 357/2019, registered under Sections 323/341/34 at Police Station Karol Bagh, the testimony is being recorded further.)

My affidavit in support of the petition bears my signatures at points A & B, the same is EX.CW-2/B. A settlement has been arrived between me and the petitioners vide a Memorandum of Understanding dated 11.9.2019. The copy of the same is EX.CW-2/C. I have signed these documents voluntarily of my own accord without any duress, pressure or coercion from any quarter. The petitioners are the friends of my brother. The FIR was registered on a road rage. In view of the settlement arrived at between me and the petitioners, I do not oppose the prayer made by the petitioners seeking quashing of the FIR No. 357/19 , PS Karol Bagh, under Sections 323/341/34 of the Indian Penal Code, 1860, nor do I want the petitioners to be punished in relation thereto.

I have studied till standard IX and work at Medical Store. I have understood the implications of the statement made by me. I have so stated voluntarily of my own accord without any duress, pressure or coercion from any quarter.

ANU MALHOTRA, J.

RO & AC
05.02.2020