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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 112/2020**
SUNNY SINGH Petitioner
Through: Mr. Ashish Kumar, Adv.

versus

STATE & ORS. Respondent
Through: Ms. Meenakshi Dahiya, APP for State
with ASI Satyapal Singh, PS Ashok
Vihar.

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA
ORDER
% **13.02.2020**

Vide the present petition, the petitioner seeks quashing of the FIR No.445/2019, PS Ashok Vihar registered under Sections 381 of the Indian Penal Code, 1860 lodged on the complaint of the respondent no.2 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 qua the FIR in question.

The Investigating Officer of the case has identified the petitioner present today in Court as being the accused arrayed in the FIR in question and has also identified respondent no.2 present in Court today as being the complainant of the said FIR and has also identified the respondent no.3 as being a witness qua the FIR in question..

The respondent no.2 has produced his original proof of identity, copy of which is on the record as Ex.CW2/A. The respondent no.2 in his examination on oath by the Court has affirmed having signed his affidavit in

response to the petition Ex.CW2/B and memorandum of understanding dated 09.12.2019 between him and the petitioner Ex.CW2/C voluntarily of his own accord without any duress, coercion or pressure from any quarter.

The respondent no.2 has further stated that in terms of the memorandum of understanding Ex.CW2/C, a total sum of Rs.2,90,000/- has been agreed to be paid to him by the petitioner, of which, he has received the sum of Rs.20,000/- in cash from the petitioner and the balance sum of Rs.2,70,000/- has now been handed over to him by the petitioner vide a demand draft bearing no.736891 dated 31.12.2019 drawn on the Canara Bank in his favour, copy of which is on the record as Ex.CW2/D and that there are no claims of his left against the petitioner now and he has thus no opposition to the prayer made by the petitioner seeking quashing of the FIR No.445/2019, PS Ashok Vihar registered under Sections 381 of the Indian Penal Code, 1860 nor does he want the petitioner to be punished in relation thereto. He has further stated that the respondent no.3 arrayed on record is his friend. The averments made in the FIR also do not bring forth that the money in question belongs to the respondent no.3. The respondent no.2 has further stated that he has done his graduation and runs a business.

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.

As there appears no reason to disbelieve the statement of the respondent no.2 that he has made his statement voluntarily after understanding its implications and there being no opposition on behalf of the State, it is considered appropriate to put a quietus to the litigation and disputes between the parties for maintenance of peace and harmony between

them qua the FIR No.445/2019, PS Ashok Vihar registered under Sections 381 of the Indian Penal Code, 1860 and all consequential proceedings emanating therefrom against the petitioner, which is thus quashed.

The petition is disposed of.

ANU MALHOTRA, J

FEBRUARY 13, 2020

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IN THE HIGH COURT OF DELHI: NEW DELHI

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CRL.M.C. 112/2020

SUNNY SINGH Vs. STATE & ORS.

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CW-1 ASI Satyapal Singh, PS Ashok Vihar.

ON S.A.

I identify the petitioner Mr. Sunny Singh as being the accused arrayed in the FIR No.445/2019, PS Ashok Vihar registered under Sections 381 of the Indian Penal Code, 1860. I identify the respondent no.2 as being the complainant of the said FIR and identify the respondent no.3 as being a witness qua the FIR in question.

RO & AC

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ANU MALHOTRA, J

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CW-2 Mr. Mahavir Jain, s/o Mr. Satyapal Jain, aged 44 years, r/o G-1, 1st Floor, 31-32, Sector-11, Rohini, Delhi.

I have brought my original proof of identity, copy of which is on the record as Ex.CW2/A. I identify my signatures on my affidavit dated 08.01.2020 submitted in response to the present petition at points A & B thereon on Ex. CW2/B. The memorandum of understanding dated 09.12.2019 between me and the petitioner bears my signature thereon at point A on Ex.CW2/C. I have signed all these documents voluntarily of my own accord without any duress, coercion or pressure from any quarter.

In terms of the memorandum of understanding Ex.CW2/C, a total sum of Rs.2,90,000/- has been agreed to be paid to me by the petitioner, of which, I have received the sum of Rs.20,000/- in cash from the petitioner and the balance sum of Rs.2,70,000/- has now been handed over to me by the petitioner vide a demand draft bearing no.736891 dated 31.12.2019 drawn on the Canara Bank in my favour, copy of which is on the record as Ex.CW2/D. There are no claims of mine left against the petitioner now and I have thus no opposition to the prayer made by the petitioner seeking quashing of the FIR No.445/2019, PS Ashok Vihar registered under Sections 381 of the Indian Penal Code, 1860 nor do I want the petitioner to be punished in relation thereto.

I have done my graduation and run a business.

I have made my statement after understanding its implications voluntarily of my own accord without any duress, coercion or pressure from any quarter.

RO & AC
13.02.2020

ANU MALHOTRA, J