

\$~28

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

+ **CRL.M.C. 3067/2022**

SADAB @ NAZEEM & ORS.

..... Petitioners

Through: Dr. R.S. Sasan, Advocate.

versus

THE STATE (NCT OF DLEHI) AND ANR.

..... Respondents

Through: Mr. Raghuvinder Verma, APP for the State with Insp. Rahul Singh, PS Nand Nagri and SI Ankur Singh, PS Nand Nagri.

Dr. R.S. Sasan, Advocate for R-2.

Date of Decision: 20.04.2023.

%

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

J U D G M E N T

DINESH KUMAR SHARMA, J. (Oral)

The present petition has been filed seeking quashing of FIR No. : 576/2019 Dated 18.09.2019 PS: Nand Nagri U/S: 308/506/34 IPC.

The present FIR was lodged on the statement of Raja and as per status report the brief fact are:

“That the brief facts of the case are that on 18/09/2019 a PCR Call vide DD No. 103A was received at PS Nand Nagri Delhi that "Caller ke ladko ko goli mar di hai" the same was marked to ASI Radhey Shyam for further necessary action. IO ASI Radhey Shayam along with Ct. Lalit NO. 2713/NE reached at the scene of crime where they came to know that injured had already been shifted to GTB Hospital for treatment. IO reached GTB Hospital where

Neutral Citation Number : 2023:DHC:2837

injured Raja S/O Jumma Khan was under treatment vide MLC No. A/3594/31/19. 10 collected MLC of injured where-in Dr opined

*as Injury L/W of 5*1 CM over Lt side of forehead, pain below Lt knee joint and Fit for statement and Nature of injury "U/O". After some time injured Raja gave his statement. Brief facts of statement is that when injured was coming from work to his Mouse, at about 11.15 PM when he was at the stairs of his house, Sadab called him and told that he wanted to talk to him. He was with his friend Dilshad S/o Pappu Kashmiri. Dilshad attacked complainant with Pipe rod on his head. After that Ubais caught hold of complainant and Maushin attacked complainant with brick. Complainant further alleged that Sadab had cause a scene in the function of complainant's sister and threatened complainant. On the above mentioned statement case FIR No. 576/2019 Dt. 18/09/2019 U/S 308/506/34 IPC PS Nand Nagri, Delhi was registered and investigation was taken up. That during course of investigation on 18/09/2019 accused Sadab @ Nazeem, Dilshad @ Naushad and Ubais @ Naved were arrested and were sent to J.C and weapon of offence Steel Rod 2.5 feet was received from scene of crime which was seized and deposited in Malkhana of PS Nand Nagri, Delhi. Search of accused Mohseen was made but no clue found.*

During investigation supplementary statement of injured/complainant Raja was recorded where-in he clarified that Sadab stopped him, beaten him and Dilshad attacked him with steel rod, meanwhile Ubais had caught hold of him and Mohsin injured him with brick. After Ccompletion of investigation, Charge-sheet against Sadab, Ubais@ Naved and Dilshad @ Naushad was filed in the Hon'ble court. Now the case is pending trial and is at the stage of recording statement."

Now the parties have entered into settlement on the following terms and conditions:

- “1. That the party no. 1 has tendered an unconditional apology to the party no. 2 for his acts, conduct and undertakes that he shall not repeat any such act in the future. The parties shall maintain a good cordial relations leaving all the differences aside.*
- 2. That the party no. 1 shall abide by the conditions /order/directions of the Hon'ble Court.*
- 3. That the party no. 2 is ready to co-operate in quashing of the FIR and undertakes to make a statement in the form of an affidavit before the Hon'ble High Court of Delhi for quashing of the proceedings in the above mentioned FIR.*
- 4. The present MOU is signed by the parties out of their own will and there is no undue influence, coersion, threat or pressure on the parties to this MOU.*
- 5. That the parties have gone through the MOU and put their hands after understanding the contents of the present MOU in vernacular which are true and correct.”*

Respondent no.2 states that he has entered into the settlement without any force, fear or coercion and entered into the settlement voluntarily.

As per the MLC, the nature of injuries have been opined to be simple.

Since the parties have entered into settlement.

The FIR is quashed and the petition stands disposed of.

DINESH KUMAR SHARMA, J

APRIL 20, 2023/AR