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

+ **CRL.M.C. 7070/2022 and CRL.M.A. 27312/2022**

AMARJIT SINGH

..... Petitioner

Through: Mr. Gautam Khazanchi, Mr. Vinayk Chawla, Advocates (DHCLSC).

versus

STATE OF NCT OF DELHI & ANR.

..... Respondent

Through: Mr. Hemant Mahela, APP for State with Mr. Dipanshu Meena, Advocate and SI Bajrang, PS Patel Nagar. Ms. Sheenu Priya and Mr. Muhammad Zaid, Advocates.

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Date of Decision: 10.04.2023

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

J U D G M E N T

DINESH KUMAR SHARMA, J. (Oral)

CRL.M.A. 27313/2022

Exemption allowed subject to just exceptions.

CRL.M.C. 7070/2022

1. Present petition has been filed under section 482 CrPC seeking quashing of FIR No. 798/2015 registered under sections 380/427/442 IPC at PS Patel Nagar.

2. Briefly stated facts of the case are that the present FIR was registered on the statement on Respondent No.2 alleging therein that the petitioner entered into the office of Aam Aadmi party breaking and damaging the wall

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of the office and took away the hand watch of the complainant. He also locked the main gate of the office from inside and ran away after breaking the glass of the office windows.

3. It is submitted that pursuant to the discussion between the parties and with intervention of respectable members of the society and their well-wishers the dispute was settled and parties entered into a compromise vide settlement deed dated 20.12.2022 out of their own free will without any fear, force or coercion.

4. An Affidavit of Respondent No.2 is on record stating that he has settled the dispute with the petitioner out of his own free will, and has no objection if the FIR No.798/2015 dated 25.09.2015 registered at PS Patel Nagar under sections 380,427 and 442 of IPC as well as Criminal Case No.63864/2016 titled as “State v. Amarjeet Singh” and all consequential proceedings emanating therefrom are quashed.

5. The terms of the settlement deed dated 20.12.2022 is as follows : -

“ AND WHEREAS The FIRST PARTY with his free will and accord has decided to drop, withdraw and settle all the legal proceedings resulting from the registration of the said FIR.

AND WHEREAS it is further stated that both the parties with their fair consent have settled the matter with each other amicably and voluntarily without any force, pressure, coercion or influence from any corner whatsoever.

AND WHEREAS the SECOND PARTY will file the quashing petition before the Hon’ble High Court of Delhi seeking quashing of the FIR No.798/2015 dated 25.09.2015, u/s 380/427/442 IPC, registered with P.S. Patel Nagar, as well as the Criminal Case No.63864/2016 titled as “State v. Amarjeet Singh” pending before the Ld.ACMM, Tis Hazari Courts, Delhi and all consequent proceedings emanating

therefrom. The FIRST PARTY has agreed to co-operate in filing of the quashing petition.

AND WHEREAS This Settlement/Compromise Deed has been signed without any force pressure, threats, coercion and with their free consents, in full sense and in disposing state of minds in the present case.”

6. It is submitted that the petitioner is suffering from various mental ailments i.e., depression, obsessive compulsive disorder, panic attacks, seizures, and has been on medication since 2016. The petitioner is also stated to be suffering from 50% permanent locomotor disability owing to an accident suffered by him in 2017. I have perused the true copies of medical prescriptions as well as the true copy of Unique disability card issued by the Government of India which are placed on record.

7. It has been repeatedly held that when the chances of an ultimate conviction are bleak and, therefore, no useful purpose is likely to be served by allowing a criminal prosecution to continue, the court may while taking into consideration the special facts of a case quash the proceedings.

8. In view of the above circumstances the case FIR No. 798/2015 registered under sections 380/427/442 IPC at PS Patel Nagar, and all other proceedings emanating therefrom are quashed.

Present petition is disposed of.

DINESH KUMAR SHARMA, J

APRIL 10, 2022/AR