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

+ **W.P.(CRL) 749/2024**

ARSLAM & ANR.

.....Petitioners

Through: **Mr. Sushil Kumar Singh and Mr. N. Aman, Advocates.**

versus

THE STATE GNCTD & ORS.

.....Respondents

Through: **Mr. Sanjeev Bhandari, ASC for State with Ms. Charu Sharma, Mr. Arjit Sharma, Mr. Vaibhav Vats & Mr. Nikunj Bindal, Advocates
SI Robin Vimal PS Shastri Park
Mr. Navjot Kumar & Ms. Rashmi Sharma, Advs. for R-2 & 3**

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

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26.11.2024

1. This petition has been filed seeking quashing of FIR No.788/2023 registered at P.S Shastri Park under Sections 307/34 IPC and Sections 25/27 Arms Act, on the basis of the settlement arrived at between the parties dated 11th December 2023, which is on record of this Court.
2. Petitioner nos. 1 and 2 and respondent nos. 2 and 3 (complainants) are present in the Court, duly identified by the IO and their respective counsels.
3. Respondent nos. 2 and 3 state that there was some confusion regarding identification of assailants.
4. Case of the prosecution rests on an incident of firing on 29th November 2024 at respondent no. 3, the father of respondent no.2, when



both of them were travelling on a scooter near Usmanpur, Delhi. While respondent no.3 was injured due to one gunshot, the assailants fled the spot.

5. Respondent nos. 2 and 3 state that since they had monetary dispute with the petitioners, they named them in the FIR.

6. It is noted in the status report that victim has been residing at his hometown in Bijnor, U.P. however, has not provided his treatment papers for opinion of MLC.

7. ASC for the State however submits on instruction of the IO, that opinion has since been received as per which injury has been opined as '*grievous*'.

8. Respondent nos. 2 and 3 categorially state that they have settled the matter with petitioners of their own free will and without any due influence, pressure or coercion and that they had wrongly identified petitioners as assailants and, therefore, they have no objection to quashing of the FIR.

9. Considering this statement that identity of petitioners is itself being disputed by the injured victim and the eye-witness, and that complainants have no objection to quashing of the FIR, the FIR No.788/2023 registered at P.S Shastri Park under Sections 307/34 IPC and Sections 25/27 Arms Act and proceedings emanating therefore are quashed *qua* petitioners herein.

10. Considering the circumstances, the IO is at liberty to proceed with further investigation in order to trace and identify the actual assailants.

11. Order be uploaded on the website of this Court.

ANISH DAYAL, J

NOVEMBER 26, 2024/sm/tk