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

+ **CRL.M.C. 8472/2024**

VIVEK KUMAR SINGH

.....Petitioner

Through: Mr.Anant Sharma, Adv. with
petitioner in person.

versus

GOVT NCT OF DELHI & ORS.

.....Respondents

Through: Ms.Kiran Bairwa, APP for the State
ASI Ishwar Singh, SI Kishan Chand,
PS Dwarka South
Respondent no.2 in person.
Mr.Sandeep Yadav, father of
respondent no.3/Master Kiyaansh
Yadav

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

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25.10.2024

CRL.M.A. 32337/2024 (exemption)

Exemption is allowed, subject to all just exceptions.

The application stands disposed of.

CRL.M.C. 8472/2024

1. Present petition has been filed for quashing of case FIR no.0339 dated 16.07.2022 registered under Section 279/337 IPC at PS Dwarka South and all the other proceedings emanating therefrom.
2. Issue notice. Learned APP has accepted the notice. Respondent no.2 is present in person. Mr.Sandeep Yadav, father of respondent no.3/Master Kiyaansh Yadav is present.



3. Learned APP submits that in the present case as per investigation conducted, the petitioner was not holding a valid license. Learned APP further submits that the respondent no.3 Master Kiyaansh Yadav has suffered serious injuries.
4. However, now both the parties submit that they have settled the matter amicably as recorded in the settlement agreement dated 18.10.2024 on the following terms and conditions:

A. The parties have agreed to settle all their three on-going litigation pending as mentioned above (FIR No. 339/22 and two MACT Cases being MACT/1299/2022 and MACT/1300/2022) by this settlement deed.

B. The First Party has agreed to pay and the Second Parties are willing to accept a total sum of Rs. 8,25,000/- (Rupees Eight Lacs Twenty-Five Thousand only) as full and final settlement amount as compensation and damages which shall be payable by way of one Demand Draft of Rs. 4,12,500.00 in the name of OM PRAKASH and one Demand Draft of Rs. 4,12,500.00 in the name of SANDEEP YADAV.

C. The Second Parties are willing and ready to withdraw both the two MACT Cases being MACT/1299/2022 and MACT/1300/2022 pending before the MACT Court Dwarka and are willing and ready to cooperate and sign all the necessary affidavits for filing of Joint Quashing Petition before the Hon'ble Delhi High Court for quashing of FIR No. 339 of 2022 and its corresponding Criminal Case pending before the MM Court in Dwarka.

D. That it is agreed between the parties that the Demand Drafts of the full and final settlement amount shall be handed over by the First party to the Second Parties before the Hon'ble Delhi High Court at the time of quashing of the FIR only.

E. That it is further agreed between the parties that after the Quashing of the FIR the Second Party shall move an application before the MACT Court to withdraw the two

MACT Cases being MACT/1300/2022. MACT/1299/2022 and

F. That it is agreed between the parties that they shall remain bound with the aforesaid terms and condition and abide by it.



That it is agreed between the parties that they have understood the terms and conditions of the settlement in vernaculars.

That the parties have agreed on each and every terms of the settlement agreement after carefully reading over and fully understanding the contents.

That the Second Parties understands that by this settlement all their claim against the First party is amicably settled and there remains no claims.

That the parties acknowledges that the above settlement and its terms and conditions is arrived at between the parties out of their free will, volition and consent and without there being any undue pressure, coercion, influence, misrepresentation or mistake.

5. D.D.No.003974 in the name of Om Prakash and D.D.No.003973 in the name of Sandeep Yadav, both dated 14.10.2024 in the sum of Rs.4,12,500/- each drawn on HDFC Bank has been handed over in the court today.
6. Respondent no.2 and Mr.Sandeep Yadav, father of respondent no.3/Master Kiyaansh Yadav state they have settled the matter amicably without any fear, force or coercion. IO has identified the complainants.
7. Since the parties have settled the matter, FIR no.0339 dated 16.07.2022 registered under Section 279/337 IPC at PS Dwarka South and all the other proceedings emanating therefrom is quashed.
8. The petition stands disposed of.

DINESH KUMAR SHARMA, J

OCTOBER 25, 2024

rb/dg