

Ravi Shankar Alias Tuntun & Ors vs State Of Nct Of Delhi & Ors on 25 July, 2024

Author: Subramonium Prasad

Bench: Subramonium Prasad

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IN THE HIGH COURT OF DELHI AT NEW DELHI

CRL.M.C. 2538/2024

RAVI SHANKAR ALIAS TUNTUN & ORS.

STATE OF NCT OF DELHI & ORS.

Through: Mr. Tarang Srivas

State.

SI Bijender Sing

Delhi

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CRL.M.C. 2604/2024

(99) ABHISHEK PAL AND OTHERS

THE STATE (NCT OF DELHI) AND ANOTHER ...

Through: Mr. Tarang Srivas

State.

SI Bijender Sing

Delhi

Mr. S.D. Singh,

and Mr. Siddhart

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CRL.M.C. 2911/2024

(100) ABHISHEK PAL AND OTHERS

CRL.M.C. 2538/2024 etc.

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The authenticity of the order can be re-verified from Delhi High Court Order Portal by s

The Order is downloaded from the DHC Server on 29/07/2024 at 22:04:13

THE STATE (NCT OF DELHI) AND ANOTHER ..

Through: Mr. Tarang Srivas

State.
SI Bijender Singh
Delhi
Mr. S.D. Singh,
and Mr. Siddhart

+ CRL.M.C. 2548/2024
(101) KRISHANANAD DUBEY & ANR.

STATE OF NCT OF DELHI & ORS.
Through: Mr. Tarang Srivas
State.
SI Bijender Singh
Delhi

CORAM:
HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD
OR

% 25.07.2024

1. CRL.M.C. 2538/2024 has been filed by the Petitioners seeking quashing of FIR No.88/2017, dated 08.03.2017, registered at Police Station Patel Nagar, for offences under Sections 308/323/34 IPC.

2. CRL.M.C. 2604/2024 has been filed by the Petitioners seeking quashing of FIR No.559/2015, dated 19.07.2015, registered at Police Station Patel Nagar, for offences under Sections 323/341/452/34 IPC.

3. CRL.M.C. 2911/2024 has been filed by the Petitioners seeking This is a digitally signed order.

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4. CRL.M.C. 2548/2024 has been filed by the Petitioners seeking quashing of FIR No.558/2015, dated 19.07.2015, registered at Police Station Patel Nagar, for offences under Sections 323/341/34 IPC.

5. The present Petitions have been filed for quashing of the aforementioned FIRs on the ground that the parties have entered into a settlement agreement dated 18.01.2024, arrived at between the parties before the Delhi High Court Mediation and Conciliation Centre and the same reads as under:

" SETTLEMENT AGREEMENT This Settlement Agreement is entered into on 18.01.2024.

BETWEEN

1. Smt. Vandana Kumari D/o Late Shri Durgesh Prasad Dubey
2. Krishanad Dubey S/o Late Shri Durgesh Prasad Dubey Both R/o T -541/2030/B-2nd Ba1jeet Nagar, Delhi (hereinafter collectively referred to as the "First Party") AND
1. Praful Pal, S/o Sh.Sudhir Pal
2. Ankit Pal,S/o Praful Pal,
3. Anita Pal,W/o Praful Pal.
4. Abhishek Pal,S/o Praful Pal
5. Monika Pal W/oAnkit Pal (All residents of T-497, Gali No.3 Prem Nagar, Delhi This is a digitally signed order.

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AND WHEREAS father of the First Party i.e, Late Shri Durgesh Prasad Dubey along the First Party and the Confirming Party was residing in House No. 2132/C-7, This is a digitally signed order.

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AND WHEREAS the Third Party and Fourth Party are also residing alongside the same street where the houses of the Second Party and First Party are situated. Thus all the Parties are neighbours to each other.

AND WHEREAS disputes and difference arose between the Parties during the lifetime of the Father of the First Party with respect to the access to their respective houses (being situated alongside on the same street) which had led to the filing of various cases against each other. The details of the cases filed by the Second Party against the First Party and Fourth Party are, as hereunder:-

A. Suit being C.S. SCJ No.1087/2017, titled as Prafu1 Pal Vs Durgesh Prasad, filed by the Second Party seeking permanent and mandatory injunction against the First Party, which is pending before the Ld Civil Judge, (West) Tis Hazari Courts; Delhi.

B. FIR No. 558/2015 U/s, 323, 341,506, 34 IPC, PS Patel Nagar, dated 19.07.2015, registered on the complaint of the Second Party against the First Party and the first constituent of the Third Party. The proceedings emanating therefrom are pending before Ld. ACMM,(West), Tis Hazari Court, Delhi.

C. FIR No. 88/2017 U/s. 308, 323, 34 IPC PS Patel Nagar. Dated 08.03.2017 registered on the complaint of the Second Party and the second constituent of Third Party against the First Party and Fourth Party. The This is a digitally signed order.

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AND WHEREAS following cases were filed by the First Party against the Second Party and the Third Party:-

A. Suit being CS SCJ No. 251/2017, titled as Vandana Kumari Versus Abhishek Pal & Ors, filed by the First Party seeking permanent and mandatory injunction against the Second Party for encroachment on public land against, which is pending before the Ld. Civil Judge, (West) Tis Hazari Court, Delhi.

B. FIR No. 559/2015 U/s. 323, 341,452, 34 IP.C, dated 19.07.2015 PS Patel Nagar, Delhi registered on the complaint filed by the First Party against the Second Party. The proceedings emanating therefrom are pending before Ld. ACMM, (West) Tis Hazari.Court, Delhi.

C. FIR No.3. 03/2015 U/s. 354A, 451, 509, 506, 34 IPC, dated 08.04.2015 PS Patel Nagar, Delhi registered on the complaint filed by the First Party against the Second Party and the second constituent of the Third Party. The proceedings emanating therefrom are pending before Ld. ACMM, (West) Tis Hazari Court, Delhi.

D. FIR No. 228/2017 U/s. 323, 341, 506, 34 IPC dated 13.07.2017 PS Patel Nagar, Delhi registered on the complaint filed by the First Party - against the Second Party and Third Party. The proceedings emanating there from are pending in the court of. Ld. ACMM, (West) Tis Hazari Court, Delhi.

AND WHEREAS during the proceedings of the case, father of the First Party expired on 02.02.2020 leaving behind the First Party and Confirming Party as his This is a digitally signed order.

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AND WHEREAS the second constituent of the First Party and the Fourth Party are not arrayed as parties in Crl. M.C. 6051 of 2023 but as Second Constituent of the First Party and the Fourth Party are the accused in FIR No. 88/2017, hence they have been made parties to this present Settlement Agreement. Also, although the fifth constituent of the Second Party is also not arrayed in the Crl. M.C. 6051 of 2023 and Confirming Party is also not a party to any of the cases pending between the Parties but has been made as Confirming Party to the present Settlement Agreement as they are necessary Parties to the present Settlement Agreement.

AND WHEREAS the First Party moved an application under Section 311 Cr.P.C. before Ld. ACMM, Tis Hazari Courts, Delhi, during the trial in the matter of FIR No. 228 of 2017 dated 13.07.2017, thereby seeking the production of MLC NO. 62176 registered with respect to injury suffered by one Mr Ravi Shankar @ Tuntun (Accused in FIR No. 88/2017). However, during the pendency of the said application before Ld ACMM, the said matter was kept for pronouncement of judgement vide order dated 01.08.2023 passed by Ld. ACMM.

AND WHEREAS being aggrieved by the above said order dated 01.08.2023 whereby the matter was kept for pronouncement of judgement, without adjudicating the application of the First Party, the First Party filed a petition under section 482 CRPC being Crl. M.C. No. 4377 of 2023 before Hon'ble High Court of Delhi seeking directions to the concerned Ld. ACMM to This is a digitally signed order.

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AND WHEREAS during the pendency of the aforesaid Cr. M.C. No. 43(7 of 2023, Ld. ACMM dismissed the said application under section 311, Cr.P.C of the First Party vide order dated 01.08.2023.

AND WHEREAS the First Party filed a petition before the Hon'ble High Court of Delhi under Section 482 Cr.P.C. being Crl. M.C. No. 6051 of 2023, titled as Vandana Kumari Vs. State of NCT of Delhi & Ors, seeking, inter-alia, setting aside of the order dated 01.08.2023 passed by Ld. ACMM, Tis Hazari Court, Delhi and to consider the MLC No. 62176.

AND WHEREAS the abovesaid Crl. M.C. No. 4377 of 2023 and Crl. M.C. No. 6051 of 2023 were referred to Samadhan (Delhi High Court Mediation and Conciliation Centre.) vide order dated 24-08.2023 passed by the Hon'ble Mr Justice Dinesh Kumar Sharma.

AND WHEREAS Ms. Veena Ralli Advocate was appointed as Mediator in the matter of Mediation proceedings.

AND WHEREAS during the mediation Sessions held with the Parties and their respective counsel, the Parties, with the assistance of the Mediator and pro-active participation of the counsel of the parties; without going into the merits of the case, have voluntarily arrived at an amicable solution on the following terms and conditions: -

1. The First Party as well as the Confirming Party have agreed to transfer all their rights, title and interest in the abovesaid Property No. 2132/C- 7, This is a digitally signed order.

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2. The Parties agree that the Second Party has already paid a sum of Rs.5,00,000/-(Rupees Five Lakh Only) to the First Party and a further sum of Rs. 14,00,000/- (Rupees Fifteen Lakh Only) shall be paid by the Second Party way of Bank draft drawn in the name of Confirming Party /Smt. Savitri Devi simultaneously at the time of quashing of all the aforementioned FIRs i.e, FIR No. 303/2015, FIR No. 559/2015 and "FIR No 88/2017. The First Party and Confirming Party also agree to handover the keys of the Property No. 2)32/C-7, Prem Nagar Gali No. 3, Near Gaushala Hanuman Mandir, New Delhi-110008 to the Second Party before the Hon'ble. Court at the time of quashing of the aforesaid FIRs.

3. The Second Party has agreed to move quashing petitions seeking quashing of abovesaid FIR No.303/2015 and FIR No.559/2015, both registered at PS Patel Nagar, Delhi, within 40 days of the execution of the present Settlement Agreement. The First Party and the Fourth Party undertake to co-operate with the Second Party and second constituent of the Third Party to execute required affidavit(s) in this respect as well as to give their No Objection for quashing of the FIR Nos. 303/2015 and 559/2015. The Parties agree that the provisions involved in the abovesaid FIRs are non-compoundable and the quashing of the abovesaid FIRs is absolutely to This is a digitally signed

order.

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4. The First Party has also agreed to move a quashing petition seeking-quashing of abovesaid FIR Nos. 88/2017 registered at PS Patel Nagar, Delhi, within 40 days of the execution of the present Settlement Agreement. The Parties agree that although section 308 IPC was added in the FIR No.88/2017, PS Patel Nagar dated 08.03.2017 but the injury inflicted on the forehead of the First Constituent of the Second Party was simple in nature. The Second Party undertakes to co-operate with the First Party and give their no objection for quashing of the FIR Nos. 88/2017 if the Hon'ble Court in its discretion deems it appropriate to quash the FIR in question. The Parties agree that the provisions involved in the abovesaid FIRs are non-compoundable and the quashing of the abovesaid FIRs is absolutely to the discretion of the Hon'ble High Court.

5 Both the Parties have agreed to move an application under the provisions of Section 320 Cr.P.C in FIR Nos. 558 of 2015 and 228/2017(under Sections 323, 341, 506 34 IPC) for compounding of the offence within 30 days of the execution of the present Settlement Agreement, pending in the Ld. ACMM West Tis Hazari, Delhi, as the offences are compoundable.

6. The First Party, Second Party and Confining Party have agreed to finalise the modalities so as to give effect to the abovesaid transfer of rights, title and interest held by the First Party and Confirming Party in the Property No. 2132/C-7, This is a digitally signed order.

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7. The First Party and Confirming Party have also undertaken to clear all the dues with respect to the Electricity and Water meters installed at the said property till the date of execution of appropriate documents for transfer of rights, title and interest held by the First Party and Confirming Party in favour of the Second Party.

8. The Second Party also undertakes to withdraw the suits being CS SCJ No. 1.087 of 2017 withih 10 days of the execution of the documents by the First Party and Confirming Party thereby transferring all their right title and interest in the. said property in favour of the Second Party by executing appropriate documents therefor. The First Party also undertakes to withdraw the aforementioned

suits being CS SCJ No.251/2017 and Misc SCJ No. 190 of 2017 within 10 days of the execution of the documents confirming transfer of property by the First Party and Confirming Party in favour of the Second Party.

9. It is agreed between the Parties that in case of default on the part of the First Party and/or the Confirming Party to execute the documents for This is a digitally signed order.

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10. It is further agreed between the Parties that in case of default by any Party to the present Settlement Agreement, the defaulters shall be liable to pay a sum of Rs. 5,00,000/- (Rupees Five Lakh Only) to the nondefaulting party within 15 days of the said default being committed.

11. The Parties confirm that no other case(s), apart from the cases mentioned hereinabove, had been filed by them against each other and in an event, it is found that any judicial quasi judicial or administrative proceedings have been initiated which are not stated herein, then the Party on whose instance the complaint or the proceedings have got initiated, he/she shall withdraw the same promptly. In the absence of withdrawal thereof, the same shall be deemed to have been resolved in terms of the present Settlement Agreement. It is further agreed between the Parties that they shall maintain peace and harmony amongst themselves.

12. The Parties further agree that the present Settlement Agreement has been read over and explained to both the Parties in vernacular in Hindi in the presence of their respective counsel. The Parties have agreed to the present terms after thoroughly reading and understanding the same by their mutual irrevocable voluntary consent without any force, coercion, misrepresentation, undue influence, pressure from any corner and will not retract such consent at any stage in any manner whatsoever.

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13. The Parties undertake that they would not cause any hurdle for each other and further undertake before the Hon'ble High Court of Delhi to extend full cooperation to each other in order to achieve the objective of this Settlement Agreement and abide by the terms and conditions set out in the present Settlement Agreement and not to dispute the same hereinafter in the future. It is agreed by the Parties that upon successful implementation of the present Settlement Agreement, the Parties shall not file any case against each other with respect to the subject matter which has now been resolved in terms of the present Settlement Agreement. The Parties agree to give undertaking to the Hon'ble High Court in Crl. M.C. N9. 6051/2023 and Crl. M.C No. 4377 of 2023 to abide by the terms

and conditions of the present Settlement Agreement and .breach thereof would lead to the contempt of the Hon'ble High Court as per the provisions of the Contempt of Court Act.

14. By signing this Settlement Agreement, the parties hereto state that they have no further claims or demands against each other and all the disputes and differences have been amicably settled by the parties hereto through the process of Mediation."

6. Today, parties are present in Court and have been identified by their respective Counsels and the Investigating Officer. The parties undertake that they will remain bound by the settlement arrived at between them and the proceedings recorded before this Court. The parties understand the implication of the present proceedings.

7. In view of the mutual settlement arrived at between the parties and in This is a digitally signed order.

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7. The parties are warned not to indulge in such acts in future.

8. The Petition stands disposed of in above terms.

SUBRAMONIUM PRASAD, J JULY 25, 2024 Rahul This is a digitally signed order.

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