**Quashing**

IN THE HIGH COURT OF

(EXTRA ORDINARY CRIMINAL JURISDICTION)

Crl. Misc. (Main) No. \_\_\_\_\_\_ of 20\_\_

IN THE MATTER OF:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_                       …       PETITIONER

VERSUS

N.C.T. of Delhi & Another                    …       RESPONDENTS

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Petitioner

Through

\_\_\_\_\_\_\_\_

Advocate

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_,

Place:                                                  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date:

IN THE HIGH COURT OF

(EXTRA ORDINARY CRIMINAL JURISDICTION)

Crl. Misc. (Main) No. \_\_\_\_\_\_ of 20\_\_

IN THE MATTER OF:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_                             …       PETITIONER

VERSUS

& Another                    …       RESPONDENTS

NOTICE OF MOTION

Sir,

The enclosed petition in the aforesaid matter is being filed on behalf of the petitioner and is likely to be listed on \_\_\_\_\_\_\_\_\_\_ or any date, thereafter. Please take notice accordingly. Issue any appropriate order for quashing and setting aside the FIR No. \_\_\_ dated \_\_\_\_\_\_.

Petitioner

Through

Advocate

IN THE HIGH COURT OF

To,

The Deputy Registrar,

Case No. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ of 2010

IN THE MATTER OF:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_                             …       PETITIONER

VERSUS

& Another                    …       RESPONDENTS

URGENT APPLICATION

Sir,

Will you kindly treat the accompanying petition as urgent one in accordance with the High Courts Rules and Orders.

1.       The ground of urgency are:

Yours faithfully,

IN THE HIGH COURT OF \

(EXTRA ORDINARY CRIMINAL JURISDICTION)

Crl. Misc. (Main) No. \_\_\_\_\_\_ of 20\_\_

IN THE MATTER OF:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_                         …       PETITIONER

VERSUS

\ Another                    …       RESPONDENTS

MEMO OF PARTIES

1.

2.

…       PETITIONERS

Versus

1.       \

2.

…       Respondents

Petitioner

Through

Advocate

 \_\_\_\_\_\_\_\_\_\_\_\_,

Place:                                                  \_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date:                                                    \

IN THE HIGH COURT OF \

(EXTRA ORDINARY CRIMINAL JURISDICTION)

Crl. Misc. (Main) No. \_\_\_\_\_\_ of 20\_\_

IN THE MATTER OF:

\_\_\_\_\_\_\_\_\_\_\_\_\_ &  Others                            …       PETITIONER

VERSUS

N.C.T. of Delhi & Another                    …       RESPONDENTS

CRIMINAL MISC. MAIN PETITION FOR QUASHING OF FIR NO.\_\_\_\_ Dated \_\_\_\_\_\_\_\_\_, U/S \_\_\_\_\_\_\_\_IPC, P.S. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, DEL\U/S 482 CR.P.C.

It is most respectfully submitted as under:-

That the petitioner no 1 is a \_\_\_\_\_\_\_\_\_\_\_ and petitioner no. 2 is working as a Manager of the petitioner no. 1 concern.

That the respondent No. 2 is the of the deceased, Late

That the deceased was working as in the factory of petitioner no 1 and was drawing a monthly salary of Rs. \_\_\_\_\_\_/- per month.

That on \_\_\_\_\_\_\_ the deceased unfortunately died in an accident while working in the factory of the petitioner no. 1.

That an FIR No. \_\_\_\_\_ was registered at P.S. \_\_\_\_\_\_\_\_\_\_   on \_\_\_\_\_, U/ss 285/304-A IPC in connection with the death of the deceased \_\_\_\_\_\_\_\_\_\_\_. Copy of the said FIR is enclosed and marked as Annexure P-1.

That subsequently the parties executed a compromise deed dated \_\_\_\_\_\_\_\_\_\_, wherein it has been mutually agreed and settled between the parties that neither the petitioners nor any other person was responsible for the death of the deceased, which took place by way of an accident under extremely unfortunate circumstances. A copy of the Memorandum of Settlement is enclosed and marked as Annexure P-2.

That it has been settled between the parties in the aforesaid Compromise Deed that the petitioner no. 1 has agreed to pay a sum of \_\_\_\_\_\_\_/- (Rupees \_\_\_\_\_\_\_\_\_ only) by way of Pay Order dated Copy of the aforesaid pay order is enclosed and marked as Annexure P-3(colly)

That as per the Memorandum of Settlement executed between the parties, there is no claim or dispute whatsoever pending between the respondent as against the petitioners.   As per the settlement deed, the FIR No. \_\_\_\_\_ and the allegations made by the respondent in the FIR stand withdrawn and the respondent shall make a formal statement for quashing of the aforesaid FIR, before this Hon’ble Court. A copy of the affidavit of respondent no. 2 is enclosed and marked as Annexure P-4.

That in view of the amicable settlement between the parties, the present petition is being filed for quashing of the aforesaid FIR.

That the present petition is being filed on inter-alia the following amongst other grounds:-

GROUNDS

For that the petitioners and respondent no. 2 have amicably settled the matter vide Memorandum of Settlement dated \_\_\_\_\_\_\_\_\_\_, whereby the respondent has agreed to the quashing of the aforesaid FIR No. \_\_\_\_.

For that no useful purpose would be served by continuing the prosecution pursuant to the aforesaid FIR. It would be in the interests of justice that the said FIR is quashed.

For that it has been settled between the parties that the death of was caused due to an accident and that no one was responsible for the same.

For that in any event, on a reading of the FIR as it is, no offence whatsoever is made out against the petitioners including the offences U/S’s 287,336,304-A, IPC.

That this Hon’ble Court has the jurisdiction to entertain and adjudicate the instant petition.

That this petition is being filed within a reasonable time and there is no delay in the same.

That no other petition for quashing of FIR, has been filed by the petitioners before this Hon’ble Court or any other Court of law.

That the aforesaid facts and grounds constitute the cause of action for filing the present petition.

PRAYER

In view of the aforesaid, it is most respectfully prayed that this Hon’ble Court may be pleased to:-

a)           Quash the FIR No. \_\_\_\_ U/s 287/ 336/304- A, Indian Penal Code, P.S. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_;

b)           Pass any other order as may be deem fit and proper in the facts and circumstances of the case.

Petitioners

Through

\_\_\_\_\_\_

Advocate

IN THE HIGH COURT OF DELHI AT NEW DELHI

(EXTRA ORDINARY CRIMINAL JURISDICTION)

Crl. Misc. (Main) No. \_\_\_\_\_\_ of 20\_\_

IN THE MATTER OF:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_                        …       PETITIONER

VERSUS

N.C.T. of Delhi & Another                    …       RESPONDENTS

AFFIDAVIT

I, \_\_\_\_\_\_\_\_\_, S/o Late \_\_\_\_\_\_\_\_\_\_\_\_\_\_, aged about \_\_\_\_ years, R/o \_\_\_\_\_\_\_\_\_\_\_\_ do hereby solemnly affirm and declare as under:-

That I am the petitioner in the aforesaid case and am acquainted with the facts and circumstances of the case.

That the accompanying petition for quashing of FIR has been drafted by my counsel under my instructions.

That the contents of the petition are true and correct to the best of my knowledge, information and belief and nothing material has been concealed there from.

DEPONENT

Verification:

Verified at New Delhi today i.e.            day of \_\_\_\_, 20\_\_ that the contents of this affidavit are true and correct to the best of my knowledge and belief and nothing material has been concealed there from.

DEPONENT

IN THE HIGH COURT OF DELHI AT NEW DELHI

(EXTRA ORDINARY CRIMINAL JURISDICTION)

Crl. Misc. (Main) No. \_\_\_\_\_\_ of 20\_\_

IN THE MATTER OF:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_                         …       PETITIONER

VERSUS

N.C.T. of Delhi & Another                    …       RESPONDENTS

AFFIDAVIT

I,                                    S/o                                           , R/o                                                            do hereby solemnly affirm and declare as under:-

That I am the petitioner in the aforesaid case and am acquainted with the facts and circumstances of the case.

That the accompanying application for exemption has been drafted by my counsel under my instructions.

That the contents of the application are true and correct to the best of my knowledge, information and belief and nothing material has been concealed there from.

DEPONENT

Verification:

Verified at New Delhi today i.e.            day of \_\_\_, 20\_\_ that the contents of this affidavit are true and correct to the best of my knowledge and belief and nothing material has been concealed there from.

IN THE HIGH COURT OF DELHI AT NEW DELHI

(EXTRA ORDINARY CRIMINAL JURISDICTION)

Crl. Misc. (Main) No. \_\_\_\_\_\_ of 20\_\_

IN THE MATTER OF:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_                             …       PETITIONER

VERSUS

N.C.T. of Delhi & Another                    …       RESPONDENTS

AFFIDAVIT

I, \_\_\_\_\_\_\_\_ W/o \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ R/o \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ do hereby solemnly affirm and declare as under:-

That I am the respondent no. 2 in the aforesaid case and am acquainted with the facts and circumstances of the case.

That I have no objection to the quashing of FIR No. \_\_\_ dated \_\_\_\_\_\_\_ U/ss 285 & 304-A IPC registered in Police Station \_\_\_\_\_\_\_\_\_\_\_\_. I have entered into a compromise in this regard, vide Compromise Deed dated \_\_\_\_\_\_\_\_\_\_\_\_.

That the contents of the affidavit have been read and explained to me in vernacular language.

DEPONENT

Verification:

Verified at New Delhi today i.e.            day of \_\_\_, 20\_\_ that the contents of this affidavit are true and correct to the best of my knowledge and belief and nothing material has been concealed there from.

DEPONENT

IN THE HIGH COURT OF DELHI AT NEW DELHI

(EXTRA ORDINARY CRIMINAL JURISDICTION)

I.A. No.\_\_\_\_\_\_ of 20\_\_

IN

Crl. Misc. (Main) No. \_\_\_\_\_\_ of 20\_\_\_

IN THE MATTER OF:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_                         …       PETITIONER

VERSUS

N.C.T. of Delhi & Another                    …       RESPONDENTS

APPLICATION FOR EXEMPTION FROM FILING CERTIFIED COPIES OF THE ANNEXURES.

The Petitioner most respectfully submit as under:-

1.       That the certified copies of certain Annexures (as required by the Rules) mentioned in the accompanying petition, shall be filed before this Hon’ble Court in due course as and when the same are received.

PRAYER

It is most respectfully prayed that this Hon’ble Court may be pleased to:

a.       Grant exemption from filing of certified copies of certain annexures, with liberty to file the same in due course; &

b.       pass any other order as may be deemed fit in the facts and circumstances of the case.

Petitioner

Through

Advocate

IN THE HIGH COURT OF DELHI AT NEW DELHI

(EXTRA ORDINARY CRIMINAL JURISDICTION)

Crl. Misc. (Main) No. \_\_\_\_\_\_ of 20\_\_

IN THE MATTER OF:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_                             …       PETITIONER

VERSUS

N.C.T. of Delhi & Another                    …       RESPONDENTS

AFFIDAVIT

I, \_\_\_\_\_\_ , S/o \_\_\_\_\_\_ , aged about \_\_\_\_\_ ,Chamber \_\_\_\_\_,  New Delhi  do hereby solemnly affirm and declare as under:-

That I am the proxy counsel in the aforesaid case and am acquainted with the facts and circumstances of the case.

That the accompanying application for exemption for filing certified copies has been drafted by me.

That the contents of the application are true and correct to the best of my knowledge, information and belief and nothing material has been concealed there from.

DEPONENT

Verification:

Verified at New Delhi today i.e.            day of March, 20\_\_ that the contents of this affidavit are true and correct to the best of my knowledge and belief and nothing material has been concealed there from.

DEPONENT