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

Date of Decision: August 24, 2015

+ **CRL.M.C. 3414/2015**

MANOJ KUMAR Petitioner
Through: Mr. Rakesh Kumar and Mr. Naresh
Kumar, Advocates

versus

STATE (GOVT OF NCT DELHI) & ANRRespondents
Through: Mr. G.M. Farooqui, Additional
Public Prosecutor for respondent-
State with Inspector Satish
Respondent No.2 in person

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

% **JUDGMENT**
(ORAL)

Quashing of FIR No.224/2013 under Section 307 of *IPC* registered at Police Station Alipur, Delhi is sought on the basis of affidavit of respondent No.2.

Notice.

Mr. G.M. Farooqui, learned Additional Public Prosecutor for respondent-State accepts notice and submits that respondent No.2, present in the Court, has been identified to be the complainant/first-informant of the FIR in question by Inspector Satish on the basis of identity proof produced by her.

Respondent No.2, present in the Court, submits that in the incident in question, she suffered simple injuries only and now the misunderstanding, which led to registration of the FIR in question, stands cleared with petitioner, who is her real brother, and that since no dispute with petitioner survives and so, to restore cordiality between the parties, the proceedings arising out of the FIR in question be brought to an end.

Learned Additional Public Prosecutor for respondent-State submits that evidence of respondent No.2 has been already recorded and she has deposed against petitioner and out of 17 witnesses, deposition of 8 witnesses has been already recorded and the trial of this FIR case is at the advanced stage and so this petition deserves to be dismissed.

Upon hearing and on finding that the trial of this FIR case is at fairly advanced stage and respondent No.2 has already deposed against petitioner, this Court is not inclined to exercise its inherent extraordinary jurisdiction while giving liberty to petitioner to seek recalling of respondent No.2 before the trial court. If any such application is filed within two weeks, then trial court shall give an opportunity to petitioner to further cross-examine respondent No.2 regarding the stand now being taken before this Court.

With aforesaid observations, this petition is disposed of with liberty as aforesaid.

(SUNIL GAUR)
JUDGE

AUGUST 24, 2015

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