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

+ **W.P.(CRL) 2620/2016 & CrI.M.A. No. 13956/2016**

MOHSIN KHAN

..... Petitioner

Through: Mr. Shakil Akhtar, Advocate

versus

STATE OF NCT DELHI & ANR

..... Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER

05.12.2016

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Though this petition has been preferred to seek the quashing of FIR No.515 dated 26.05.2016 registered under Section 363/366/376/506 IPC and section 6 of the POSCO Act at PS Malviya Nagar and the proceedings arising therefrom, premised on the settlement dated 11.07.2016, counsel for the petitioner wishes to withdraw this petition and move the trial court in view of the statement made by Mr. Kundu that the charge sheet shall be filed within the next 7 working days and that the trial court shall be requested to immediately proceed to record the statement of the prosecutrix.

I may observe that as per the status report, the ossification test shows the age of the prosecutrix is to be about 19 years. The prosecutrix has also made a statement in the other proceedings that she voluntarily went with the

petitioner and the marriage of the petitioner and the prosecutrix has been celebrated by holding reception. The consent of the parents of the prosecutrix to the said marriage is, therefore, evident.

However, in the present case, the prosecutrix made her statement u/s 164 Cr PC supporting the allegations made against the petitioner in the FIR, though it is disclosed, that subsequently before the CWC she stated that she had recorded her statement u/s 164 Cr PC on account of pressure from her parents.

In view of the aforesaid, the trial court shall proceed to record the statement of the prosecutrix at the earliest as soon as the charge sheet is filed so that the petitioner and the prosecutrix who are living together as husband and wife are not subjected to any further harassment. The interim protection granted to the petitioner shall continue to operate till the matter is taken by the trial court.

Petition stands disposed of.

VIPIN SANGHI, J

DECEMBER 05, 2016

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