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

+ **CRL.M.C. 3833/2016**

KAPIL SHARMA

..... Petitioner

Represented by: Ms. Nisha Sehrawat, Adv.

versus

THE STATE & ANR.

..... Respondent

Represented by: Mr. Amit Ahlawat, APP with
SI Suman P.T.S Dwarka Sec-9.
R-2 in person.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

09.12.2016

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By the present petition the petitioner seeks quashing of FIR No. 172/2016 under Sections 306/354D/506 IPC registered at PS Baba Haridas Nagar, Delhi on the complaint of Respondent No.2 and the proceedings pursuant thereto on the ground that the parties have settled the matter.

The investigating officer who is present in Court states that she wrongly invoked Section 306 IPC as the complainant was alive when the statement was recorded and hurriedly on the basis of an attempt of ingesting all out liquid she invoked Section 306 IPC, which was actually not made out at that stage. Learned APP for the State further submits that in the above-noted FIR the petitioner is the only accused and respondent No.2 the only complainant/ victim.

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The allegations in the FIR are that the petitioner wanted to be friendly with the respondent No.2 who refused the same, however the petitioner pressurized her for a friendship and to do so he bolted himself and cut his hand. In the apprehension that she would be defamed and she was threatened, the complainant went into depression and ingested all out liquid. It is apparent from the complaint that both the petitioner and respondent No.2 acted in an immature manner.

Respondent No. 2 is present in Court and is identified by the Investigating Officer. She states that she has now settled the matter. Both of them have understood and have no relationship. The petitioner and respondent No.2 have settled their disputes and want to move on in life. Thus she does not wish to pursue the above-noted FIR and the proceedings pursuant thereto.

Petitioner who is present in Court and is identified by the learned counsel affirm the statement of respondent No.2 and states that he will give no cause of grievance to the respondent No.2 in future.

Since the parties have settled the matter and the acts of the petitioner and respondent No.2 were due to emotional disturbances which they have been able to overcome now, the pendency of the above-noted FIR and the proceedings pursuant thereto will adversely affect their future. No useful purpose will be served in continuing with the trial in the above-noted FIR. There is no legal impediment in quashing the FIR as ingredients of Section 306 IPC are not made out.

Consequently, FIR No. 172/2016 under Sections 306/354D/506 IPC registered at PS Baba Haridas Nagar, Delhi and proceedings pursuant thereto are hereby quashed.

Parties have signed this order sheet in acknowledgment of their statements made before this Court.

The petition is disposed of. Order dasti.

MUKTA GUPTA, J.

DECEMBER 09, 2016
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