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

+ W.P.(CRL) 2719/2015

AMAR MALIK & ANR

..... Petitioner

Represented by: Mr. Naveen Sharma with Ms.
Divyaa Garg, Advs. for P-1
with Mr. Chander Prakash
Malik, SPA of P-1.
Mr. M.S. Ahluwalia, Adv. for
P-2 with P-2.

versus

STATE & ANR.

..... Respondents

Represented by: Mr. Avi Kumar, ASC with SI
Chetan Mandia, PS Sagarpur.
Mr. Amaresh Tyagi, Adv. for
R-2 with R-2.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

05.10.2016

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1. By the present petition, the petitioners seek quashing of FIR No.326/2014 under Sections 354/506/509/34 IPC registered at PS Sagarpur on the complainant of respondent No.2 and proceedings pursuant thereto as the parties have settled the matter.
2. Initially Amar Malik was only impleaded as the petitioner. On the counsel for the State pointing out that besides Amar Malik, Gaurav Kharbanda was also involved, Gaurav Kharabanda was impleaded as petitioner No.2. Respondent No.2 is sister-in-law of petitioner No.1 being the wife of his deceased brother Dipankar Malik.
3. As per the status report and statement of respondent No.2, differences

arose between the parties and it is alleged that on 25th April, 2014 at 9.30 AM when respondent No.2 was alone in her room, her brother in law Amar Malik petitioner No.1 caught her hand and outraged her modesty. In the meantime, Gaurav Kharbanda who is cousin of petitioner No.1 and deceased husband of respondent No.2 also attempted to commit rape on respondent No.2. Investigation is complete and on investigation, no charge sheet for offence punishable under Section 376 or Section 376 read with Section 511 IPC has been filed. Charge sheet has been filed against the petitioners for offences punishable under Sections 354/506/509/34 IPC keeping Amar Malik in column No.11 but mentioning that he is absconding as he never appeared before the investigating agency.

4. Petitioner No.1 is represented through his father Shri Chander Prakash Malik in whose favour a special power of attorney has been executed which has been filed on record. Respondent No.2 who is present in Court and identified by learned counsel and the investigating officer, states that a comprehensive settlement has been arrived at between her and her father in law Shri Chander Prakash Malik and Amar Malik through special power of attorney before the Delhi High Court Mediation and Conciliation Centre vide settlement agreement dated 8th April, 2015. She states that it has been agreed between the parties that respondent No.2 will cooperate in quashing of the above-noted FIR. Respondent No.2 states that she does not wish to pursue the above noted FIR and the proceedings pursuant thereto.

5. Shri Chander Prakash Malik, special power of attorney holder of Amar Malik petitioner No.1 affirms the statement of respondent No.2 and states that the petitioners will abide by the terms of settlement. He also states that on quashing of the above noted FIR all terms of settlement are

complied with.

6. In view of the fact that the parties have amicably resolved their differences of their own free will, volition and without any coercion and no useful purpose will be served in continuance of the proceedings, rather the same would create further acrimony between them, it would be in the interest of justice to quash the abovementioned FIR and the proceedings pursuant thereto. There is no legal impediment in quashing the FIR in question.

7. Consequently, FIR No.326/2014 under Sections 354/506/509/34 IPC registered at PS Sagarpur, Delhi and proceedings pursuant thereto are hereby quashed. Since the FIR 326/2014 is quashed, the LOC opened against Amar Malik pursuant to registration of the above noted FIR is also quashed

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

9. The petition is disposed of. Order dasti.

MUKTA GUPTA, J.

OCTOBER 05, 2016
‘v mittal’