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

+ CRL.M.C. 1568/2017

MAHENDER SINGH & ANR

..... Petitioners

Through Mr. Aditya Jain, Advocate

versus

STATE (NCT OF DELHI) & ANR

..... Respondents

Through Mr. Amit Gupta, APP for State with
ASI Surender Kumar, PS NDRS

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

% **22.08.2017**

Respondent No.2 is brother of Victim (Ms. 'X'). FIR 233/1996 under section 363 IPC registered at PS NDRS on the complaint of respondent no.2 wherein it is alleged that petitioner no.1 had taken away Ms. 'X' from NDRS on 16.04.1996 after enticing her. After investigations, charge sheet has been filed and trial is underway.

Learned APP, on instructions from the IO who is present in the Court, submits that after her recovery, statement of Ms. 'X' was recorded under Section 164 Cr.P.C. wherein she has stated that she had gone with petitioner no.1 out of her own free will and without any undue force, pressure or coercion and has married petitioner no.1. Ms. 'X' is now aged about 37 years and has three children born out of her wedlock with petitioner no.1.

Ms. 'X' is present in the Court and has been identified by IO ASI Surender Kumar and says that she had gone with petitioner no.1 out of her own free will and married him, in as much as, has three children out of said wedlock with petitioner no.1. She says that she has no grievance against petitioner no.1 and is still living with him and she has no objection if the aforesaid FIR is quashed.

From the above, it is clear that petitioner no.1 had not taken away Ms. 'X' after enticing her and they were in love and had eloped and got married. Keeping in mind these facts and circumstances, FIR No.233/96 under Section 363 IPC registered at PS NDRS and subsequent proceedings emanating therefrom are quashed.

Petition is disposed of in above terms.

Dasti.

A.K. PATHAK, J

AUGUST 22, 2017

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