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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 2390/2015**
AJAY TIWARI Petitioner
Through Mr. Vineet Sharma, Adv.

versus

STATE & ANR Respondent
Through Mr. Kamal Kr. Ghei, APP for State
with IO SI Ajit Singh, PS G.K.-I.
Mr. Sajal Dhamija, Adv. for R2 with
R2 in person.

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER
% **22.11.2017**

The Investigating Officer SI Ajit Singh, Police Station Greater Kailash-I, New Delhi is present and has identified the photograph of the petitioner at point-A on the Memo of Parties Ex.CW1/A. He also identified the respondent no. 2 Smt. Lalita Rani Sharda w/o Sh. O.P. Sharda, the complaint of the FIR No. 324/96, registered at PS Greater Kailash-I, under Sections 452/506/34 Indian Penal Code, 1860, who has also produced the copy of her Aadhar Card bearing no. 849142965198, on the basis of which he has been issued entry pass for today, Ex.CW2/A.

In view of the submissions made in the FIR, which indicates that apart from Ajay Tiwari s/o Late Sh. Ved Bhushan Tiwari i.e. the present petitioner in the present petition, there were three persons involved in the commission of offence. In reply to a specific Court query, the Investigating Officer of the
CRL.M.C. 2390/2015

case has replied to the effect that apart from Ajay Tiwari s/o Late Sh. Ved Bhushan Tiwari i.e. the present petitioner in the present petition, no other person is charge-sheeted in relation to FIR No. 324/96, registered at PS Greater Kailash-I, under Sections 452/506/34 Indian Penal Code, 1860.

As per the averments made in the petition, the petitioner and the respondent no. 2 are stated to have arrived at a settlement. The petition indicates that Sh. O.P. Sharda has since expired which factum is affirmed by the respondent no.2 i.e. Smt. Lalita Rani Sharda w/o Sh. O.P. Sharda and as also so stated by the Investigating Officer whose statement has been recorded on oath today in the Court.

The respondent no. 2 has affirmed her signatures on Memorandum of Understanding dated 11.05.2015 at point-A on Ex.CW2/B and on her accompanying affidavit thereto at points-A & B on Ex.CW2/C and has stated that she has signed the same voluntarily of her own accord without any duress or coercion from any quarter and further submits that she has forgiven the petitioner and thus she does not seek the continuation of the proceedings in relation to the FIR No. 324/96, registered at PS Greater Kailash-I, under Sections 452/506/34 Indian Penal Code, 1860 any further and thus, she does not oppose the prayer made in CRL.M.C. 2390/2015 seeking quashing of the FIR No. 324/96, registered at PS Greater Kailash-I, under Sections 452/506/34 Indian Penal Code, 1860.

Learned APP for the State also does not oppose the prayer made in CRL.M.C. 2390/2015 seeking quashing of the FIR No. 324/96, registered at PS Greater Kailash-I, under Sections 452/506/34 Indian Penal Code, 1860 in the circumstances of the case.

A perusal of the proceedings dated 19.04.2017 indicates that it had earlier been submitted on behalf of the respondent no.2 to the effect that she would be withdrawing her consent for the quashing of the FIR qua which it is submitted on behalf of the respondent no.2 by the counsel present that as the petitioner has closed his case which he had filed against the respondent no.2 at PS Greater Kailash-I, New Delhi, the respondent no. 2 now thus does not oppose the quashing of the FIR and all proceedings emanating therefrom.

The Investigating Officer in reply to a specific Court query as also in his statement recorded today stated to the effect that there is no complaint pending against the respondent no. 2 at PS Greater Kailash-I, New Delhi, as submitted by the petitioner.

Taking into account the age of the respondent no. 2 and the factum of demise of Sh. O.P. Sharda, the husband of the respondent no. 2, who was allegedly threatened by the petitioner, as per averments made in the FIR and the statement of the respondent no. 2 that she has since forgiven the petitioner and the factum that the case against the respondent no. 2 has also since been closed as laid down by the Apex Court ***Gian Singh vs. State of Punjab & Another, (2012) 10 SCC 303***, the High Court may within the framework of its inherent power, quash the criminal proceedings or criminal contempt if it is satisfied that on the face of such settlement there is hardly any likelihood of the offender being convicted and by not quashing the criminal proceedings, injustice shall be caused and the ends of justice, would be defeated.

It is considered appropriate in the interest of justice that the prayer

made by the petitioner seeking quashing of the FIR No. 324/96, registered at PS Greater Kailash-I, under Sections 452/506/34 Indian Penal Code, 1860 and all consequential proceedings emanating therefrom is allowed, which is thus accordingly allowed, and the FIR No. 324/96, registered at PS Greater Kailash-I, under Sections 452/506/34 Indian Penal Code, 1860 and all consequential proceedings emanating therefore are quashed.

The petition is disposed of.

ANU MALHOTRA, J

NOVEMBER 22, 2017/MK