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

+ CRL.M.C. 4050/2016

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..... Petitioner

Through: Md. Zakir Hussain, Advocate

versus

STATE & ANR

..... Respondent

Through: Ms. Radhika Kolluru, APP with SI
Santosh Sharma

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER
19.01.2017

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Notice was directed to be issued to respondent No.2 and she was required to remain present. She has been served and respondent No.2 is present in Court. She has produced her Aadhar card as a proof of her identity which has been shown to the court.

The petitioner has preferred the present leave petition to seek quashing of FIR No. 537/2016 dated 12.04.2016 registered at police station Shakarpur under Section 376 IPC and the proceedings arising therefrom. Respondent No.2-prosecutrix has also filed her affidavit in support of his petition. She has been shown her affidavit placed on record and she identifies her signatures on page 13 of the paperbook.

Ms. Kolluru has read out the statement of the prosecutrix recorded under Section 164 Cr.P.C. wherein she has stated that she has made the said complaint as drafted by one Shahid Siddiqui and she was not aware that allegations of rape had been made against the petitioner in the said complaint. She had been prompted to make the said complaint against the petitioner by Shahid Siddiqui by providing, inter alia, her financial support.

In view of the fact that the prosecutrix has not supported her case in her statement recorded under Section 164 Cr.P.C. and even today before the Court, she does not wish to pursue her complaint since she never intended to make the complaint against the petitioner making allegations of rape against him, no useful purpose would be served in continuation with the FIR in question and the proceedings emanating therefrom. Accordingly, the FIR in question and proceedings emanating therefrom are quashed.

VIPIN SANGHI, J

JANUARY 19, 2017

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