

\$~6

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

+ CRL.M.C. 4480/2016

VIBHASH KUMAR

..... Petitioner

Through: Mr. Y.K. Prasad, Mr. S.D. Sah and
Mr. Anand Kr. Singh, Advs.

versus

STATE & ANR.

..... Respondents

Through: Mr. Raghuvinder Varma, APP for
State with SI Vikas Raina, PS –
Fatehpur Beri
Mr. B. Kala, Adv. for R-2 with R-2 in
person

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

01.12.2017

%

Vide this petition, the petitioner seeks quashing of the FIR No. 419/2014, PS –Fatehpur Beri, registered under Sections 341/354/506 IPC and all proceedings emanating therefrom.

In view of the settlement arrived at between the petitioner and respondent No. 2, respondent No. 2 has made a statement before the Court on oath identifying the photograph of the petitioner on record at Point A on Ex.CW1/B. Learned counsel for the petitioner submits that the petitioner is presently in USA on his job. The respondent No. 2 has in her statement on oath testified to having signed the settlement arrived on 26.11.2016 at the Mediation Centre, Saket Courts, New Delhi, copy of which is on the record as issued by the said Mediation Centre as Ex.CW1/C bearing her signatures thereon at Point A on each page, stating further to the effect that petitioner

has since apologized to her, which apology she has accepted and also received a sum of Rs.40,000/- apart from the actual to and fro travel expenses in the form of air tickets, copy of which is on record as Ex.CW1/E. The copy of the demand draft bearing No. 507843 dated 30.11.2017 for a sum of Rs.40,000/- drawn on ICICI Bank original has been handed over to the respondent No. 2 today in Court is on record as Ex.CW1/D. Respondent No.2 has also stated that she does not oppose the prayer made by the petitioner being quashing of the FIR in question and all the proceedings emanating therefrom.

It is also submitted on behalf of State by the learned APP that in these circumstances the State does not oppose the prayer made by the petitioner,

In view of the statement made by the respondent No. 2, as there appears no reason to disbelieve her statement that she has arrived at settlement with the petitioner on 26.11.2016 before the Mediation Centre, Saket Courts, Delhi, (copy of which is on record as Ex.CW1/C) voluntarily without any duress or coercion from any quarter and she has accepted the apology tendered by the petitioner for maintenance of peace and harmony between the petitioner and the respondent No. 2 and to prevent any further trauma to the respondent No. 2 and so that justice itself is not a casualty in the circumstances of the case, it is, thus, considered appropriate to quash the FIR 419/2014, PS Fatehpur Beri, registered under Sections 341/354/506 IPC and all proceedings emanating therefrom, which are all, thus, accordingly quashed.

ANU MALHOTRA, J

DECEMBER 01, 2017

P