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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CRL.M.C. 4462/2017

DILIP SAV

..... Petitioner

Through: Mr.Manu Padalia, Advocate

versus

THE STATE NCT OF DELHI & ANR Respondent

Through: Mr.Kamal Kumar Ghei, APP for State
with SI Sandeep Kumar, PS Sarita
Vihar.

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

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14.11.2017

Crl. M.A. 17885/2017 (Exemption)

Exemption allowed , subject to just exceptions.

Crl. M.C. 4462/2017 and Crl.M.A. No. 17886/2017

The present petition under Section 482 Cr.P.C. has been filed by the petitioner seeking quashing of the FIR No.571/2016, under Sections 354/506 of the IPC, 1860, Police Station Sarita Vihar and all the proceedings emanating therefrom submitting that the petitioner and the respondent No.2, i.e., the prosecutrix of the FIR are related to each other, the respondent No.2 being the niece of the petitioner, the parties have arrived at a settlement *inter se* and that the respondent No.2 does not want to pursue the criminal proceedings any further against the petitioner. The Investigating Officer is present in Court and identifies the petitioner.

There appears to be a typographical error in the prayer clause in

which the petitioner seeks the quashing of the FIR No.571/2017, under Sections 354/506 of the IPC, 1860, Police Station Sarita Vihar which in view of the record is directed to be read as FIR No.571/2016, under Sections 354/506 of the IPC, 1860, Police Station Sarita Vihar

The prosecutrix has also produced her original Aadhar Card, a copy of which is on the record as Ex.CW-2/A. The statement of the prosecutrix has been recorded and she has stated thereby that she has signed the settlement deed and the affidavit annexed thereto voluntarily of her own accord without any coercion or pressure from any quarter and that she does not seek to pursue the criminal proceedings any further against the petitioner.

In the circumstances of the case and in view of the settlement arrived at between the petitioner and the respondent No.2 and for the reasons explained, qua which there is no reason to disbelieve them which are thus believed to be true that the settlement has been signed by the respondent No.2 voluntarily without any coercion or pressure from any quarter, it is considered appropriate to quash the FIR No.571/2016, under Sections 354/506 of the IPC, 1860, Police Station Sarita Vihar and all the proceedings emanating therefrom, which are thus so quashed.

The petition is disposed of accordingly.

ANU MALHOTRA, J

NOVEMBER 14, 2017/sv

IN THE HIGH COURT OF DELHI: NEW DELHI

Item No. 8

Crl. M.C. 4462/2017

DILIP SAV Vs. STATE & ANR.

14.11.2017

**CW-1 Statement of SI SANDEEP KUMAR, POLICE STATION
SARITA VIHAR**

On S.A.

I identify both, the complainant and the petitioner/accused, present today in Court of the FIR571/16, registered under Sections 354/506 & Section 8 of the POCSO, 2012. However, the complainant of the said FIR is a minor with her Date of Birth being 29.5.1998 and the provisions of the POCSO have thus been removed from the FIR.

I have duly verified the settlement deed arrived at between the petitioner and the respondent No.2. Both the petitioner and the respondent No.2 are present in the Court today.

RO & AC

14.11.2017

ANU MALHOTRA, J

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CW-2 Statement of Ms.X (Prosecutrix), D/o Sh. Paras Gupta, Aged 19 years, R/o Sector-18, Gurgaon, Haryana.

On S.A.

I have brought my original identity card, i.e., Aadhar Card bearing No.746238401329, a photocopy of which is Ex.CW-2/A (original seen & returned).

I identify the petitioner, my Phupha Ji, present in the Court today.

The settlement deed dated 26.10.2017 bears my signatures thereon at point 'A' on Ex.CW-2/B. My affidavit Ex.CW-2/C annexed thereto bears my signatures at points 'A & B' and I have signed both Ex.CW-2/B and Ex.CW-2/C voluntarily of my own accord without any duress, coercion or pressure from any quarter. I do not seek any further proceedings in relation to FIR No. 571/16, under Sections 354/506 of the IPC, 1860, Police Station Sarita Vihar against the petitioner Dilip Sav. I have made this statement voluntarily.

RO & AC

14.11.2017

ANU MALHOTRA, J