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IN THE HIGH COURT OF DELHI AT NEW DELHI

CRL.M.C. 4643/2017 CRL.M.A. 18516/2017

PAWAN MEENA

..... Petitioner

Through: Mr.R.P.Pandey, Advocate

Versus

THE STATE GOVT OF NCT OF DELHI & ORS..... Respondent

Through: Mr.Panna Lal Sharma, APP for State
with ASI Barmeshwar, PS Mehrauli
Mr.Devendera Kumar, Adv for R-2

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

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15.12.2017

The Investigating Officer of the case is present and has identified the petitioner and the respondent No.2 present in the Court today and has stated that the petitioner was the only person charge sheeted qua the FIR No.469/16, under sections 354(D)/509 IPC of 1860, Police Station Mehrauli submitting to the effect that the other persons named in the FIR had not been named who were passers-by.

The Investigating Officer has identified the respondent No.2 as being the complainant of the FIR and the proof of the identity of the petitioner and the respondent No.2 are on the record being Ex.CW-2/A and EX.CW-2/B (original seen and returned).

The respondent No.2 has testified to the effect that her affidavit EX.CW-2/C placed on record bears her signatures and she does not seek to oppose the prayer made by the petitioner seeking quashing of the FIR No.469/16, under sections 354(D)/509 IPC of 1860, Police Station Mehrauli and also submitted that she has made a similar statement before the Learned Metropolitan Magistrate on 12.7.2016 in her statement under Section 164 Cr.P.C. The respondent No.2 has further

testified to the effect that though she can identify the other persons about whom she has stated in the FIR, she cannot give their names and she has further stated that since a settlement has been arrived at between her and the petitioner, she does not seek any action against the petitioner nor against the other persons not named in the FIR.

In view of the statement made by the respondent that she has arrived at a settlement, the respondent No.2 is educated and a graduate and there appears no reason to disbelieve her statement that she has arrived at a settlement with the petitioner voluntarily of her own accord without any duress, pressure or coercion from any quarter in relation to the said FIR No.469/16, under sections 354(D)/509 IPC of 1860, Police Station Mehrauli and also states she does not seek any further against the petitioner and the persons who have been mentioned in the FIR but have not been charge sheeted.

In view of the statement made by the respondent No.2 for maintenance of peace and harmony between the respondent No.2 and the petitioner and the other persons also her neighbours, it is considered appropriate to put a quietus to the litigation between the parties and thus, the FIR No.469/16, under sections 354(D)/509 IPC of 1860, Police Station Mehrauli against the petitioner and all proceedings emanating therefrom even in relation to the unnamed persons are thus quashed.

The petition is disposed of.

ANU MALHOTRA, J

DECEMBER 15, 2017/SV

IN THE HIGH COURT OF DELHI: NEW DELHI

Item No. 2

CrI. M.C. 4643/2017

PAWAN MEENA. Vs. STATE & ORS.

15.12.2017

**CW-1 ASI BARMESHWAR POLICE STATION MEHARAULI
ON S.A.**

I identify both the petitioner No.1 Pawan s/o T.R. Meena as being the accused in FIR No.469/16, under sections 354(D)/509 IPC of 1860, Police Station Mehrauli. Apart from Pawan, the petitioner is also known as Kunji. There was no other accused arrested in the said FIR. Though the FIR No.469/16, under sections 354(D)/509 IPC of 1860, Police Station Mehrauli also mentions about three or four persons, however, I did not learn the names of those three or four persons during the course of investigation. Rather the complainant, i.e., the respondent No.2 also made a statement under Section 164 of the Cr.P.C. dated 12.7.2016 before the learned Metropolitan Magistrate-01, that a settlement has been arrived at between her and the boys in relation to whom she had got the FIR registered.

RO & AC

15.12.2017

ANU MALHOTRA, J

IN THE HIGH COURT OF DELHI: NEW DELHI

Item No. 2

CrI. M.C. 4643/2017

PAWAN MEENA. Vs. STATE & ORS.

15.12.2017

CW-2 STATEMENT OF MS JYOTI MALIK D/O SH.JASBIR SINGH MALIK AGED 26 YEARS R/O F-151/10, CHHATTARPUR EXTENSION, NEW DELHI.

On S.A.

I am educated and a graduate.

I identify the petitioner Pawan, who is present in Court, named as Kunji in the FIR No.469/16, under sections 354(D)/509 IPC of 1860, Police Station Mehrauli got registered by me. The photocopy of the Aadhaar Card of the petitioner bearing No.582316906334 is EX.CW-2/A and the photocopy of my Aadhaar Card bearing No.439766365370 is EX.CW-2/B (Original Seen & Returned)

A settlement has been arrived at between me and the petitioner Pawan @ Kunji s/o T.R. Meena. The petitioner is my neighbour and I can identify the other three/four persons mentioned in my complaint/FIR. However, in view of the settlement arrived at between me and the petitioner I do not seek to pursue any further proceedings in relation to FIR No.469/16, under sections 354(D)/509 IPC of 1860, Police Station Mehrauli. Though I can identify the other persons mentioned in the FIR, I cannot give the names of the other persons and I do not seek any further action against those persons also. My affidavit annexed to the petition bears my signatures at points A and B on Ex.CW-2/C. I have made this statement voluntarily of my own accord without any duress, coercion or pressure from any quarter. Even in my statement under Section 164 Cr.P.C. recorded before the learned

Metropolitan Magistrate-01, Saket on 12.7.2016 I had stated that the settlement has been arrived at between me and the petitioner and the other persons mentioned in the FIR and I do not seek any further action against them.

I have made this statement voluntarily of my own accord without any duress, coercion or pressure from any quarter.

RO & AC
15.12.2017

ANU MALHOTRA, J