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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 615/2018**

J P S SETHI

..... Petitioner

Through: Mr. Manish Sharma & Mr. Sanjeev
Sharma, Advocates.

versus

STATE & ANR

..... Respondent

Through: Mr. Kamal Kr. Ghei, APP for State
with SI Harendra Singh, PS Kotwali.

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

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06.02.2018

CRL.M.A. 2239/2018 (Ex.)

This is an application seeking exemption from filing certified copies of annexures, which is allowed subject to just exceptions.

CRL.M.C. 615/2018

Vide the present petition, the petitioner seeks quashing of the FIR No.689/2014, registered at PS Kotwali, under Sections 354/379/506/509 of the Indian Penal Code, 1860 submitting to the effect that there is a settlement arrived at between the petitioner and the respondent no. 2 and all the disputes between them have been resolved.

The Investigating Officer of the case is present today in the court and has identified the petitioner Shri JPS Sethi s/o Shri D.S. Sethi as being the sole accused arrayed in FIR No.689/2014, registered at PS Kotwali, under Sections 354/379/506/509 of the Indian Penal Code, 1860. He has also

identified the respondent no.2 Ms. X present today in Court as being the complainant thereof. The proof of identity of the respondent no. 2 in the form of the photocopy of her Aadhar Card is on the record as Ex. CW1/A and the petitioner has produced his Election Commission Card issued by the State Bank of India and Driving License, photocopies of which be placed on the record.

The respondent no.2, the complainant of the said FIR in her examination on oath by the Court has affirmed to having signed the settlement document deed dated 31.01.2018 between herself and the petitioner voluntarily of her own accord without any duress, coercion or pressure from any quarter which she states bears her signatures on each page thereon at points A & B on Ex. CW2/A and that she is aware of the contents of Ex. CW2/A. She has further sought that she should not be physically or mentally harassed by the petitioner in any manner. She however, states that she does not seek the continuation of the proceedings in relation to FIR no. 689/2014, registered at PS Kotwali, under Sections 354/379/506/509 of Indian Penal Code, 1860 against the petitioner and she does not want him to be punished in relation thereto. She has further testified to the effect that she has studied upto Standard 12 and works as the Deputy Manager of the State Bank of India, Chandni Chowk Branch, Delhi.

In view of the deposition of the respondent no. 2, it is considered essential to examine the petitioner who is present in the Court today and has been examined qua the settlement deed Ex. CW2/A dated 31.01.2018 and he has stated that he has signed it voluntarily and is aware of its contents and has understood its contents. The petitioner is a post graduate and works as a Deputy Manager in the State Bank of India, CCBC, Palam Street, New

Delhi and has affirmed having signed on Ex. CW2/A voluntarily with specific terms vide paragraph 5 of the settlement agreement to the effect:-

“That both the parties undertake not to initiate any further action or any complaint or proceeding whether civil or criminal against each other after filing of the present petition. Sh. J.P.S. Sethi further undertakes not to file any departmental or other complaint against Kiran Chhabra through himself or any other friend or acquaintance. Sh. J.P.S. Sethi and his mother assure that he shall not be causing any complaint or case against son or sister of Ms. Kiran Chhabra. Ms. Pinki Sethi also assures being wife of Mr. JPS Sethi that he shall not file any complaint against Ms. Kiran Chhabra.”

The petitioner has also undertaken to abide by the terms of Ex. CW2/A.

On behalf of the State, learned APP in the circumstances of the case does not oppose the prayer made by the petitioner seeking quashing of the FIR in question and of all the consequential proceedings emanating therefrom.

In view of the deposition of the respondent no. 2 and her educational qualification and also her present assignment, it is apparent that the respondent no. 2 has signed on Ex. CW2/A after having understood its contents and after having agreed to the same.

In view of the statement of the petitioner also who has undertaken to abide by the terms of the Ex. CW2/A, for maintenance of peace and harmony between the petitioner and the respondent no. 2 and also for the well being of the respondent no. 2, it is considered appropriate to put a quietus to the litigation between the petitioner and the respondent no. 2 and in view thereof, the FIR no. 689/2014, registered at PS Kotwali, under

Sections 354/379/506/509 of Indian Penal Code, 1860 against the petitioner and all consequential proceedings emanating therefrom are quashed.

The petitioner and the respondent no. 2 shall abide by the terms of the Ex. CW2/A, i.e., the settlement deed dated 31.01.2018.

The petition is disposed of.

ANU MALHOTRA, J

FEBRUARY 06, 2018

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Statement of CW1 : SI Harendra Singh, PS Kotwali, Delhi.

ON S.A.

I identify the petitioner Shri JPS Sethi s/o Shri D.S. Sethi as being the sole accused arrayed in FIR No.689/2014, registered at PS Kotwali, under Sections 354/379/506/509 of Indian Penal Code, 1860. I also identify the respondent no.2 Ms. X present today in Court as being the complainant thereof. The proof of identity of the respondent no. 2 in the form of photocopy of her Aadhar Card is on the record as Ex. CW1/A and the petitioner has produced his Election Commission Card issued by the State Bank of India and Driving License, photocopies of which be placed on the record. (Originals seen and returned.)

ANU MALHOTRA, J

RO & AC

FEBRUARY 06, 2018

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Statement of CW2 : Ms. X, d/o Shri Peter Kujur, aged 53 years, r/o B 403, Gokul Apartments, Sector 11, Dwarka, New Delhi.

ON S.A.

I have studied upto Standard 12th and I am the Deputy Manager of the State Bank of India, Chandni Chowk Branch, Delhi. I have signed the settlement deed dated 31.01.2018 between myself and the petitioner voluntarily of my own accord without any duress, coercion or pressure from any quarter which bears my signatures on each page thereon at points A & B on Ex. CW2/A and I am aware of the contents of the Ex. CW2/A.

In view of the assurance given by the petitioner that he would not be physically or mentally harassed, I do not oppose the prayer made by the petitioner seeking quashing of the FIR No.689/2014, registered at PS Kotwali, under Sections 354/379/506/509 of Indian Penal Code, 1860. I do not want him to be punished in relation thereto. I only want to be left alone and do not seek any further prosecution of the petitioner in relation to FIR No.689/2014, registered at PS Kotwali, under Sections 354/379/506/509 of Indian Penal Code, 1860.

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

ANU MALHOTRA, J

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Statement of CW3 : Mr. Jatinder Pal Singh, s/o Shri D.S. Sethi, aged 44 years, r/o 6/70 Old Rajinder Nagar, New Delhi.

ON S.A.

I am the Deputy Manager of the State Bank of India, CCBC, Palam Street, New Delhi. I am post graduate in M.B.A. I am aware and I have understood the contents of the Ex. CW2/A which bears my signatures on each page thereon at points C & D which I have signed it voluntarily of my own accord without any duress, coercion or pressure from any quarter. I undertake to abide by the terms thereof as specified in paragraph 5 to the effect that the parties undertake not to initiate any further action or any complaint or proceeding whether civil or criminal against each other after filing of the present petition. The petitioner further undertakes not to file any departmental or other complaint against Kiran Chhabra through himself or any other friend or acquaintance. The petitioner and his mother assure that he shall not be causing any complaint or case against son or sister of Ms. Kiran Chhabra. Ms. Pinki Sethi also assures being wife of Mr. JPS Sethi that he shall not file any complaint against Ms. Kiran Chhabra.

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

ANU MALHOTRA, J

RO & AC

FEBRUARY 06, 2018