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

+ CRL.M.C. 413/2018

SHANKAR RAJ

..... Petitioner

Through: Mr. Pankaj Srivastava, Adv.

versus

STATE (GOVT OF NCT DELHI) & ANR Respondent

Through: Mr. Raghuvinder Varma, APP for
State with SI Sachin Kumar, PS Amar
Colony.

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

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28.05.2018

Vide the present petition, the petitioner seeks quashing of FIR No.594/2016, registered at PS Amar Colony, under Sections 323/506/509/354 Indian Penal Code, 1860 submitting to the effect that a settlement has been arrived at between the parties and all disputes between them have been amicably settled.

The Investigating Officer of the case present today in Court has identified the petitioner Shri Shankar Raj, s/o Shri Mange Ram as being the accused arrayed in FIR No.594/2016, registered at PS Amar Colony, under Sections 323/506/509/354 Indian Penal Code, 1860 and has also identified the respondent no.2 Ms. X present today in Court as being the complainant thereof. The proofs of identity of the petitioner and of the respondent no. 2 in the form of photocopies of their Aadhar Cards and the Election Commission I-Card respectively are on the record as Ex. CW1/A to Ex. CW1/D respectively, originals of which have been seen and returned.

The respondent no.2 in her deposition on oath on examination by the Court has affirmed having sworn her affidavit annexed to the petition as Ex.CW2/A and has further testified to having signed the mediation settlement dated 29.06.2017 at the Mediation Centre, Saket Courts, New Delhi, copy of which is on the record as Ex. CW2/B voluntarily of her own accord without any duress or coercion from any quarter. The respondent no.2 has further testified to the effect that in terms of the said settlement, the petitioner has since apologized to her and thus she does not oppose the prayer made by the petitioners seeking quashing of the FIR in question nor does she want the petitioners to be punished in relation thereto. The respondent no.2 has further testified to the effect that she is an under-graduate and since 1997 she has been working as an Ultrasound Assistant.

It is considered essential in view of the mediation settlement on the record to examine the petitioner, who in his examination on oath undertook not to act again in the manner in relation to which FIR No.594/2016, registered at PS Amar Colony had been registered against him and he undertook to abide by the terms of the settlement and stated that he has apologized to the respondent no.2.

Learned APP for the State submits that in the circumstances of the case, there is no opposition to the prayer made by the petitioner seeking quashing of the FIR in question.

Taking into account the statement made by the respondent no.2 to the effect that the petitioner has since apologized to her which is also so stated by the petitioner who undertook to abide by the statement made before the Court and as there appears no reason to disbelieve the statement of the

respondent no.2 that she has arrived at a settlement with the petitioners voluntarily of her own accord without any duress, coercion or pressure from any quarter and that she is apparently adequately educated to understand the implications of her statement and taking into account the factum that the petitioners and the respondent no.2 are neighbours, in the circumstances of the case, it is considered appropriate to allow the prayer made by the petitioner for maintenance of peace and harmony between the petitioners and the respondent no.2 and it is considered appropriate to put a quietus to the litigation between the parties. In view thereof the FIR No.594/2016, registered at PS Amar Colony, under Sections 323/506/509/354 Indian Penal Code, 1860 and all the consequential proceedings emanating therefrom against the petitioners are quashed.

ANU MALHOTRA, J

MAY 28, 2018
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16

CRL.M.C. 413/2018

SHANKAR RAJ

Vs. STATE (GOVT OF NCT DELHI) & ANR

Statement of CW1 : SI Sachin, PS Amar Colony, Delhi.

ON S.A.

I identify the petitioner Shri Shankar Raj, s/o Shri Mange Ram as being the accused arrayed in FIR No.594/2016, registered at PS Amar Colony, under Sections 323/506/509/354 Indian Penal Code, 1860. I also identify the respondent no.2 Ms.X present today in Court as being the complainant thereof. The proofs of identity of the petitioner and of the respondent no. 2 in the form of photocopies of their Aadhar Cards and the Election Commission I-Card respectively are on the record as Ex. CW1/A to Ex. CW1/D respectively. (Originals seen and returned.)

There is no other person arrayed as accused in the said FIR.

ANU MALHOTRA, J

RO & AC

MAY 28, 2018

16

CRL.M.C. 413/2018

SHANKAR RAJ

Vs. STATE (GOVT OF NCT DELHI) & ANR

**Statement of CW2 : Ms. X, w/o Shri Rajesh, aged 32 years, r/o A-89,
Dayanand Colony, Lajpat Nagar-4, New Delhi.**

ON S.A.

My affidavit annexed to the petition bears my signature thereon at points-A & B on Ex.CW2/A, which I have signed voluntarily of my own accord without any duress, pressure or coercion from any quarter.

I do not oppose the prayer made by the petitioners seeking quashing of the FIR No.594/2016, registered at PS Amar Colony, under Sections 323/506/509/354 Indian Penal Code, 1860 in view of the settlement arrived at between me and the petitioner at the Mediation Centre, Saket Courts, New Delhi on 29.06.2017, copy of which bears my signature thereon on each page at point-A thereof on Ex.CW2/B, which I have signed voluntarily of my own accord without any duress, pressure or coercion from any quarter. The petitioner has also apologized to me and I thus do not oppose the prayer made by the petitioner seeking quashing of FIR in question nor do I want the petitioner to be punished in relation thereto. We are neighbours in the locality.

I am an under-graduate and since 1997 I have been working as an Ultrasound Assistant.

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

ANU MALHOTRA, J

RO & AC

MAY 28, 2018

16

CRL.M.C. 413/2018

SHANKAR RAJ

Vs. STATE (GOVT OF NCT DELHI) & ANR

Statement of CW3 : Shri Shankar Raj, s/o Shri Mange Ram, aged years, r/o A-48, Dayanand Colony, Top Floor, Lajpat Nagar, New Delhi.

ON S.A.

I undertake not to act again in the manner in relation to which FIR No.594/2016, registered at PS Amar Colony had been registered against me and I undertake to abide by the terms of the settlement. I have apologized to the respondent no.2. We are neighbours in the locality.

ANU MALHOTRA, J

RO & AC

MAY 28, 2018