

\$~54

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

+ CRL.M.C. 288/2018

VARUN PAL

..... Petitioner

Through Mr. Dinesh Kumar Malik & Mr. Akash
Saini, Adv. with petitioner in person

versus

STATE & ANR

..... Respondents

Through Mr. Ashish Dutta, APP for the State
SI Kartar Singh, PS Bindapur
Respondent No.2 in person

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

% **17.04.2018**

Vide the present petition the petitioner seeks the quashing of the FIR No.386/2017 under Sections 354A/506/509 Indian Penal Code, 1860 PS Bindapur lodged on the complaint of the respondent No.2/complainant submitting to the effect that a settlement has been arrived at between the parties.

Taking into account the averments made in the petition which indicate that a settlement has been arrived at between the petitioner and the respondent No.2 who are real brother and real sister and also the submissions made on behalf of the petitioner that in the statement under Section 164 of the Cr.P.C. made on 19.1.2018 the prosecutrix who is respondent No.2 did not allege any commission of an offence punishable under Section 354A Indian Penal Code, 1860 and also

taking into account the submission that has been made to the effect that the respondent No.2 was suffering from mental ailment and she had a live in relationship with a Nigerian and the submission that as per the FIR itself that the respondent No.2 was married to the Nigerian, the State was directed to submit a status report in relation to the mental health of the respondent No.2 and also of marriage of respondent No.2 with Akon Wisdow. The status report has since been submitted under the signatures of SHO, PS Bindapur dated 9.4.2018 indicating a live in relationship between the respondent No.2 and Mr. Akon Wisdow whose whereabouts are not known neither to the petitioner nor to respondent No.2 and the opinion of the doctor of the LHMC & Smt. S.K. Hospital, New Delhi has been submitted to the effect that the respondent No.2 has been suffering from psychotic disorder.

The Investigating Officer of the case SI Kartar Singh has identified the petitioner and the respondent No.2

The respondent No.2 in her deposition on oath has affirmed the registration of the FIR in question against her own brother which is indicated to have been registered under Sections 354A/506/509 Indian Penal Code, 1860. On her examination the respondent No.2 has stated that she has lodged the FIR against her own brother as after her marriage with Akon Wisdow her mother was not allowing her entry into the house and her brother, the petitioner herein assaulted her and thus she levelled allegations of the alleged commission of offence punishable under Sections 354A/506/509 Indian Penal Code, 1860

against the petitioner, her own brother. She further states that she does not seek the prosecution of the petitioner for the alleged commission of the offence and states that she has signed the compromise deed dated 22.12.2017 Ex.CW1/B and has also affirmed the factum of execution of her affidavit CW1/A in support of the submissions made in the petition.

On behalf of the State there is no opposition to the prayer made by the petitioner seeking quashing of the FIR in question in view of the medical certificate that has been placed on record in relation to the respondent No.2.

The respondent No.2 in her examination on oath in reply to a specific Court query also affirmed of her having got treatment in relation to her mental disturbance, depression and also for getting angry.

Having taken into consideration the totality of the circumstances of the case and that the petitioner and the respondent No.2 are real brother and sister and as the respondent No.2 has categorically stated that she has deliberately levelled the allegation against the petitioner under Sections 354A/506/509 Indian Penal Code, 1860 because her brother, the petitioner herein had assaulted her and as the charge sheet on the record also indicates that in the statement under Section 164 Cr.P.C., also the prosecutrix did not allege commission of any offences punishable under Sections 354A/506/509 Indian Penal Code, 1860 and as the petitioner and the

respondent No.2 live together in the same house with their mother, it is considered appropriate to put a put *a quietus* to the litigation between the parties, the FIR No.386/2017 under Sections 354A/506/509 Indian Penal Code, 1860 PS Bindapur registered against the petitioner and all consequential proceedings emanating therefrom against the petitioner are hereby quashed.

The petition stands disposed of.

Dasti.

ANU MALHOTRA, J

APRIL 17, 2018/aj

Statement of CW1 : Meenakshi Pal@ Preeti @ Marry Meenakshi d/o Shri Ravinder Pal r/o Q-54, Manas Kunj Road, Vikas Vihar, Uttam Nagar, West Delhi.

ON S.A.

I identify the petitioner Varun Pal who is my real brother. I live with my brother and mother in the same house. After my marriage to Nigerian my mother was not allowing me to enter my house and my brother beat me and thus I levelled the allegations against him of the commission of the offence punishable under Section 354A the Indian Penal Code, 1860. I want to settlement the matter with the petitioner. I do not want the petitioner to be punished in relation to FIR No.386/2017 under Sections 354A/506/509 Indian Penal Code, 1860 PS Bindapur. I was being treated for depression and for getting very angry. My affidavit dated 22.12.2017 Ex.CW1/A in support of the averments made in the petition bears my signatures at point A and B. The compromise deed CW 1/B bears my signatures at point A. I have made this statement voluntarily of my own accord without any duress, pressure or coercion from any quarter.

**RO & AC
APRIL 17, 2018**

ANU MALHOTRA, J

54

CRL.M.C. 288/2018

VARUN PAL Vs. STATE & ANR.

Statement of CW2 : SI Kartar Singh, PS Bindapur

ON S.A.

I identify the petitioner Varun Pal arrayed as accused in FIR No.386/2017 under Sections 354A/506/509 Indian Penal Code, 1860 PS Bindapur and the respondent No.2 as being the complainant thereof.

RO & AC
APRIL 17, 2018

ANU MALHOTRA, J