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

+ **CRL.M.C. 1649/2018**

SHAKUNTALA

..... Petitioner

Through Mr. Arunab Bannerjee, Adv.

versus

THE STATE (GOVT.OF NCT DELHI)& ORS Respondents

Through Mr. Izhar Ahamd, APP for State

SI Pankaj Kumar, PS Pulprahladpur

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

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05.04.2018

CRL.M.A. 5943/2018

CRL.M.A. 5943/2018 is an application filed on behalf of the petitioner seeking exemption from filing certified copies of the annexures. The same is allowed, subject to just exceptions.

The application is disposed of.

CRL.M.C. 1649/2018

Vide the present petition, the petitioners seeks quashing of the FIR No.383/2015, PS Pulprahladpur under Sections 354/354A/506/509/34 of the Indian Penal Code, 1860 registered on the complaint of Ms. Anju, respondent No.2 submitting to the effect that a settlement has been arrived at between the petitioners No.1 to 3 and respondent No.2 vide MOU dated 28.2.2018.

The Investigation Officer of the case is present today in the Court and has identified the petitioners No.1 to 3, namely Smt. Shakuntala, Shri Dhirender Pratap Sharma and Shri Rahul Sharma respectively as being the accused in FIR No.383/2015, PS Pulprahladpur under Sections 354/354A/506/509/34 of the Indian Penal Code, 1860 and the respondent No.2 Ms. Y as being the complainant of the FIR and also the respondent No.3 Mr. Dharamraj as being the father of the respondent No.2.

The respondent No.2 in her examination on oath has affirmed that an MOU dated 28.2.2018 has been signed by her at point A on Ex.CW2/A voluntarily, of her own accord without any duress, pressure or coercion from any quarter and she does not oppose the prayer made by the petitioners for quashing FIR No.383/2015, PS Pulprahladpur under Sections 354/354A/506/509/34 of the Indian Penal Code, 1860 nor does she wants the petitioners No.1 to 3 to be punished in relation thereto. To the similar effect is the statement made by her father Shri Dharamraj arrayed as respondent No.3 who has confirmed his signature at point B on Ex.CW2/A and has also testified to having signed his affidavit Ex.CW2/B in support of the averments and states that he does not oppose the prayer of the petitioners No.1 to 3 for quashing of the FIR No.383/2015, PS Pulprahladpur under Sections 354/354A/506/509/34 of the Indian Penal Code, 1860 and does not want the petitioners to be punished in relation thereto. Respondent No.3 stated that he runs a cosmetics shop.

On behalf of the State there is no opposition to the quashing of the FIR in question.

There appears no reason to disbelieve the statements made by the respondent No.2 and respondent No.3 having been made voluntarily and for maintenance of peace and harmony between the petitioners and the respondent no.2 and 3 as they are neighbours, it is considered appropriate to put a quietus to the litigation between the petitioners and the respondent no.2 and 3 and also as it is apparent that due to the settlement that has been arrived at between the parties, the scope of conviction is wholly bleak and thus, the prayer made in the petition seeking quashing of the FIR in question is allowed.

In view thereof, the FIR No.383/2015, PS Pulprahladpur under Sections 354/354A/506/509/34 of the Indian Penal Code, 1860 and all consequential proceedings emanating therefrom against the petitioners are quashed.

ANU MALHOTRA, J

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CRL.M.C. 1649/2018

Shakuntala vs. State & Ors.

Statement of CW1 : SI Pankaj Kumar, PS Pulprahladpur, Delhi.

ON S.A.

I identify the petitioners No.1 to 3 arrayed as accused in FIR No. 383/2015, PS Pulprahladpur under Sections 354A/506/509/34 of the Indian Penal Code, 1860.

I also identify the respondent no. 2, Ms.Y as being the complainant of the said FIR present today in the Court. I also identify the respondent No.3 Dhramaraj, father of the respondent No.2 who is also present in the Court.

The petitioner No.1 has produced her aadhar card bearing No.372234447645. The Photocopy of the same be filed. The Petitioner No.2 has produced Election Commission I card photocopy which is Ex.CW1/A and the petitioner No.3 Rahul Sharma has produced his aadhar card photocopy of which is Ex.CW1/C. (Original seen and returned). Photocopy of aadhar card of respondent No.2 is Ex.CW1/B and photocopy of aadhar card of respondent No.3 is Ex.CW1/E. (Original seen and returned).

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Dharamraj vs. State & Ors.

Statement of CW2 : Ms. Y, d/o Shri Dharamraj, aged 22 years, r/o B-56, Chungi No.2, Lal Kuan, New Delhi.

ON S.A.

The copy of Memorandum of Understanding dated 28.02.2018 arrived at between me and the petitioner bears my signatures at point A thereon Ex. CW2/A. I have signed the MOU voluntarily of my own accord without any duress, pressure or coercion from any quarter.

The petitioners No.1 to 3 has since apologized to me and I accept his apology and thus I do not oppose the prayer made by the petitioner seeking quashing of the FIR No. 383/2015, PS Pulprahladpur under Sections 354A/506/509/34 of the Indian Penal Code, 1860 nor do I want petitioners to be punished in relation thereto as the petitioners No.1 to 3 are my neighbours and there are no problems between the petitioners and myself.

I have studied till class X.

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

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Dharamraj vs. State & Ors.

Statement of CW3 Shri Dharamraj s/o Shri Kesho Ram aged 50-55 years, r/o B-56, Chungi No.2, Lal Kuan, New Delhi.

ON S.A.

I do not oppose the prayer made by the petitioner seeking quashing of the FIR No. 383/2015, PS Pulprahladpur under Sections 354A/506/509/34 of the Indian Penal Code, 1860 lodged on the complaint of the respondent No.2 my daughter in view of the settlement arrived at between us. The copy of Memorandum of Understanding dated 28.02.2018 arrived at between me and the petitioner bears my signatures at point B thereon Ex. CW2/A and my affidavit annexed to the petitioner in support of the averments made in the petition bearing my signatures at points A and B on Ex.CW2/B. I have signed the MOU 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. 383/2015, PS Pulprahladpur under Sections 354A/506/509/34 of the Indian Penal Code, 1860 nor do I want petitioners to be punished in relation thereto as the petitioners No.1 to 3 are my neighbours and there are no problems between the petitioners, respondent No.2 and myself.

I have studied till class V and run a cosmetic shop.

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

ANU MALHOTRA, J

RO & AC

APRIL 05, 2018