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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 1234/2018 & CRL.M.A. 4493/2018**

RAKESH KUMAR Petitioner
Through: Mr. Mohit Batra, Adv.

versus

THE STATE GOVT OF NCT OF DELHI & ANR..... Respondent
Through: Mr. Kamal Kumar Ghei, APP for
State SI Govind Singh, PS Tilak
Nagar.
Mr. Pankaj Bagga, Adv. for R-2.

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

% **09.03.2018**

CRL.M.A. 4493/2018(Exemption)

Exemption allowed, subject to just exceptions.

CRL.M.C. 1234/2018

Vide the present petition, the petitioner seeks quashing of FIR No.19/2018, registered at PS Sadar Bazar, under Sections 354/354A/354D/509 Indian Penal Code, 1860 and all consequential proceedings emanating therefrom submitting to the effect that an amicable settlement has been arrived at between the parties after the intervention of well-wishers and respectables of the society and that the respondent no.2 thus does not seek continuation of the proceedings any further in relation to the FIR in question.

The Investigating Officer of the case present today in Court has identified the petitioner Shri Rakesh Kumar, s/o Shri Kishan Lal as being

the sole accused arrayed in FIR No.19/2018, registered at PS Sadar Bazar, under Sections 354/354A/354D/509 Indian Penal Code, 1860. He 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 are on the record as Ex. CW1/A and Ex. CW1/B respectively, originals of which have been seen and returned.

The respondent no.2 in her examination on oath by the Court has testified to having sworn her affidavit annexed to the petition as Ex.CW2/A voluntarily of her own accord without any duress or coercion from any quarter. The respondent no.2 has further testified to the effect that she is a house wife and thus does not want to proceed further in relation to the FIR in question in view of the settlement arrived at between her and the petitioner. The spouse of the respondent no.2 is also present today in Court and in reply to a specific Court query submits to the effect that the matter has been settled.

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 and in reply to a specific Court query, it is affirmed by the petitioner and also stated on behalf of the State that there are no previous adverse antecedents against the petitioner.

In view of the deposition of the respondent no.2, there being no reason to disbelieve her statement that she has arrived at the settlement with the petitioner voluntarily of her own accord without any duress, coercion or pressure from any quarter and taking into account the non-opposition on behalf of the State, for maintenance of peace and harmony between the

petitioner and the respondent no.2 and for the well-being of the respondent no.2 herself, it is considered appropriate to put a quietus to the litigation between them, in view thereof the FIR No.19/2018, registered at PS Sadar Bazar, under Sections 354/354A/354D/509 Indian Penal Code, 1860 and all the consequential proceedings emanating therefrom against the petitioner are thus quashed.

The petition is disposed of.

ANU MALHOTRA, J

MARCH 09, 2018

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31

CRL.M.C. 1234/2018

RAKESH KUMAR

Vs. THE STATE GOVT OF NCT OF DELHI & ANR

Statement of CW1 : ASI Surender Kumar, PS Sadar Bazar, Delhi.

ON S.A.

I identify the petitioner Shri Rakesh Kumar, s/o Shri Kishan Lal as being the sole accused arrayed in FIR No.19/2018, registered at PS Sadar Bazar, under Sections 354/354A/354D/509 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 are on the record as Ex. CW1/A and Ex. CW1/B respectively. (Originals seen and returned.)

ANU MALHOTRA, J

RO & AC

MARCH 09, 2018

31

CRL.M.C. 1234/2018

RAKESH KUMAR

Vs. THE STATE GOVT OF NCT OF DELHI & ANR

Statement of CW2 : Ms. X, w/o Shri Sachin Goel, aged 32 years, r/o 4401, Gali Lootan Jat, Pahari Dhiraj, Sadar Bazar, 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.

My spouse Shri Sachin Goel is also present today in Court. I do not oppose the prayer made by the petitioner seeking quashing of the FIR No.19/2018, registered at PS Sadar Bazar, under Sections 354/354A/ 354D/ 509 Indian Penal Code, 1860 nor do I want the petitioner to be punished in relation thereto in view of the settlement arrived at between me and the petitioner.

I am a graduate.

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

ANU MALHOTRA, J

RO & AC

MARCH 09, 2018

23

CRL.M.C. 1213/2018

MOHD. ARIF & ORS

Vs. STATE OF NCT OF DELHI & ANR

Statement of CW1 : SI Naveen Kumar, PS Seelam Pur, Delhi.

ON S.A.

I identify the petitioner no. 1 Mohd. Arif, s/o late Mohd. Hasin, petitioner no.2 Smt. Munni Jahan, w/o late Mohd. Hasin, petitioner no.3 Smt. Sitara, w/o late Shri Kamruddin, petitioner no. 4 Smt. Salma Begam, d/o Late Mohd. Hasin and petitioner no.5 Smt. Sitara, d/o late Mohd. Hasin as being the accused arrayed in FIR No. 561/2014, registered at PS Seelampur, under Sections 498A/406/34 Indian Penal Code, 1860. I also identify the respondent no.2 Ms. Yasmeen present today in Court as being the complainant thereof. The proofs of identity of the petitioner nos. 1 to 5 and of the respondent no. 2 in the form of photocopies of their Aadhar Cards are on the record as Ex. CW1/A to Ex. CW1/F respectively. (Originals seen and returned.)

ANU MALHOTRA, J

RO & AC

MARCH 09, 2018

23

CRL.M.C. 1213/2018

MOHD. ARIF & ORS

Vs. STATE OF NCT OF DELHI & ANR

Statement of CW2 : Smt. Yasmeen, w/o Mohd. Arif, d/o Mohd Salim, aged 38 years, r/o B-14, B-Block, new Seelampur, Delhi.

ON S.A.

I do not oppose the prayer made by the petitioners seeking quashing of the FIR No. 561/2014, registered at PS Seelampur, under Sections 498A/406/34 Indian Penal Code, 1860 nor do I want the petitioner nos. 1 to 5 to be punished in relation thereto inasmuch as I with my child am living with the petitioner no.1 at my parental address without any problem now. The petitioner nos. 2 to 5 are living separately.

My affidavit annexed to the petition bears my signature thereon at points-A & B on Ex.CW2/A. The Mediation Settlement dated 07.09.2017 arrived at between me and the petitioners at the Delhi Mediation Centre, KKD Courts, Delhi bears my signature on Ex. CW2/B. I have signed both these documents voluntarily of my own accord without any duress, pressure or coercion from any quarter. A daughter born of the wedlock between me and the petitioner no.1 is living with us.

I have studied till standard 10th.

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

ANU MALHOTRA, J

RO & AC

MARCH 09, 2018