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

+ CRL.M.C. 1572/2018

MANISH KUMAR

..... Petitioner

Through: Mr. Taranpreet Singh, Adv.

versus

STATE & ANR

..... Respondents

Through: Mr. Ashish Dutta, APP for State with
Insp. Rajeev Yadav, PS Inderpuri.
Mr. Manu Seth, Adv. for R-2.

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

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02.04.2018

Vide the present petition, the petitioner seeks quashing of the FIR No. 116/2015, PS Inderpuri under Sections 354/34 Indian Penal Code, 1860 submitting to the effect that a settlement has been arrived at between the parties and the petitioner and the respondent no.2 who are spouses are living together without any problems now.

The Investigating Officer of the case present today in Court has identified the petitioner Shri Manish Kumar, s/o Shri Laxman Dass as being the sole accused against whom the charge-sheet was filed in relation to the FIR No. 116/2015, PS Inderpuri, under Sections 354/34 Indian Penal Code, 1860 and 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 photocopy of her Aadhar Card is on the record as Ex. CW1/A. The petitioner has produced his original Driving Licence bearing no.

DL0820150312288, copy of which be placed on record. (Originals seen and returned.). The Investigation Officer has further submitted that the other unidentified person mentioned in the FIR was not served nor was charge-sheeted, which is also borne out from the charge-sheet placed on record with the petition.

The respondent no.2 in her examination on oath on examination 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 pressure, duress and coercion from any quarter and has categorically stated that after 15/20 days of the registration of the FIR which was registered on the basis of the complaint made by her on 18.05.2015 at PS Inderpuri, she has started living with the petitioner, her spouse happily. She has further testified to the effect that she has three children born of the wedlock between her and the petitioner and all are living with her and the petitioner happily. She has further stated that she has mentioned about a taxi driver due to some misunderstanding in the FIR and stated that she does not know his name and she does not want the taxi driver and the petitioner to be punished in relation to the FIR registered on her complaint inasmuch as she is living peacefully and happily with the petitioner. The copy of the charge-sheet placed on record submitted by the ACP concerned also indicates that there was no other person apart from the petitioner arrayed as an accused in the FIR in question inasmuch as the respondent no.2 could not give any identification of any other persons, which is also so stated now by the respondent no.2 in her testimony on oath.

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.

In view of the deposition of the respondent no.2, there is no reason to disbelieve her statement that she has arrived at a settlement with the petitioner voluntarily of her own accord without any duress, coercion or pressure from any quarter and that the respondent no.2 with her children is living with the petitioner peacefully without any problems now.

Taking into account the circumstances of the case, it is considered appropriate to put a quietus to the litigation between the parties, FIR No. 116/2015, PS Inderpuri under Sections 354/34 Indian Penal Code, 1860 and all the consequential proceedings emanating therefrom against the petitioner are thus quashed.

Copy of the order be given *Dasti*, as prayed.

ANU MALHOTRA, J

APRIL 02, 2018

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MANISH KUMAR

Vs. STATE & ANR

Statement of CW1 : Inspector Rajiv Yadav, PS Inderpuri, Delhi.

ON S.A.

As per record of PS Inderpuri, there is only one person named Manish Kumar, the petitioner arryed as accused in FIR No. 116/2015, PS Inderpuri, under Sections 354/34 Indian Penal Code, 1860.

On the basis of their identity proofs, I identify the petitioner Shri Manish Kumar, s/o Shri Laxman Dass as being the sole accused arrayed in FIR No. 116/2015, PS Inderpuri, under Sections 354/34 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 respondent no. 2 in the form of photocopy of her Aadhar Card is on the record as Ex. CW1/A. The petitioner has produced his original Driving Licence bearing no. DL0820150312288, copy of which be placed on record. (Originals seen and returned.)

The other unidentified person mentioned in the FIR was not served nor was charge-sheeted as per the charge-sheet placed on record with the petition.

ANU MALHOTRA, J

RO & AC

APRIL 02, 2018

Statement of CW2 : Ms. X, w/o Shri Manish Solanki, d/o Shri Leela Ram Chauhan, aged 32 years, r/o A-342, Budh Nagar, JJ Colony, Inderpuri, New Delhi, previously r/o A-165, 4th Floor, JJ Colony, Inderpuri, New Delhi.

ON S.A.

Presently the petitioner lives with me at A-342, Budh Nagar, JJ Colony, Inderpuri, New Delhi and was previously residing at A-165, 4th Floor, JJ Colony, Inderpuri, New Delhi. I started living with the petitioner after 15/20 days of my lodging the complaint on 18.05.2015 at PS Inderpuri. The FIR was got registered by me at PS Inderpuri under Section 354/34 Indian Penal Code, 1860. There was a taxi driver along with the petitioner/ my spouse and due to some misunderstanding, I mentioned his presence also but I do not know his name. I have three children born of the wedlock between me and the petitioner, who are all living with me and the petitioner happily and I am also living with the petitioner peacefully and happily now.

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. 116/2015, PS Inderpuri, under Sections 354/34 Indian Penal Code, 1860 nor do I want the petitioner to be punished in relation thereto nor do I seek any action against the taxi driver.

I have studied upto standard 8th.

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 02, 2018**