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

+ **CRL.M.C. 1586/2018**

KHALID & ANR

..... Petitioner

Through: Counsel for the petitioner
(Appearance not given.)

versus

THE STATE GOVT OF NCT OF DELHI & ANR..... Respondents

Through: Mr. Izhar Ahmad, APP for State with
SI Ranbir Singh, PS Nangloi.

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

% **03.04.2018**

Vide the present petition, the petitioners seek quashing of the FIR No.446/14, PS Nangloi under Sections 323/354/506/34 Indian Penal Code, 1860 submitting to the effect that a settlement has been arrived at between the parties amicably due to the intervention of the respective families and that there are now no complaints left *iter se*.

The Investigation Officer of the case is present today in the Court and has identified the petitioner no 1 Md. Khalid and petitioner no. 2 Ms. Rehana as being the two accused in FIR No. 446/2014, PS Nangloi, under Sections 323/354/506/34 Indian Penal Code, 1860. He has also identified the respondent no. 2, Ms. X as being the complainant of the said FIR present today in the Court. The proofs of identity of the petitioner nos. 1 & 2 and of the respondent no. 2 in the form of photocopies of their Aadhar Cards are on the record as Ex. CW1/A, Ex. CW1/B & Ex. CW1/C respectively, originals of which

have been seen and returned.

The respondent no. 2 in her examination on oath by the court has affirmed having sworn her affidavit Ex. CW2/A annexed to the petition voluntarily of her own accord without any duress, coercion or pressure from any quarter. She further states that she does not oppose the prayer made by the petitioners seeking quashing of the FIR No. 446/2014, PS Nangloi, under Sections 323/354/506/34 Indian Penal Code, 1860 nor does she want them to be punished in relation thereto and that she has made her statement voluntarily. She has further stated that previously the petitioner nos. 1 & 2 were her neighbours but now they are not her neighbours. She has further stated that the petitioner no. 1 has apologized to her and she accepts his apology. She has also stated that she has now no problems with the petitioners. There appears no reason to disbelieve the statement made by the respondent no. 2 as she is a graduate and that she has arrived at a settlement with the petitioner voluntarily of her own accord without any duress, coercion or pressure from any quarter.

The petitioner no. 1 has also stated in his examination on oath by the Court that he has apologized to the respondent no. 2 for the incident in relation to which the FIR No. 446/2014, PS Nangloi, under Sections 323/354/506/34 Indian Penal Code, 1860 was registered on her complaint and he also undertook not to make any contact with the respondent no. 2 and stated that he had made his statement voluntarily of his own accord without any duress, pressure or coercion from any quarter.

In view thereof, for maintenance of peace and harmony between the petitioners and the respondent no. 2 and also as it is apparent that in view of the settlement arrived at between the parties, the scope of conviction is wholly bleak, the prayer made in the petition seeking quashing of the FIR in question is allowed.

In view thereof, the FIR No. 446/2014, PS Nangloi, under Sections 323/354/506/34 Indian Penal Code, 1860 and all consequential proceedings emanating therefrom against the petitioner nos. 1 & 2 are quashed.

ANU MALHOTRA, J

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KHALID & ANR.

Vs. STATE & ANR

Statement of CW1 : SI Ranbir Singh, PS Nangloi, Delhi.

ON S.A.

I identify the petitioner no 1 Md. Khalid and petitioner no. 2 Ms. Rehana as being the two accused in FIR No. 446/2014, PS Nangloi, under Sections 323/354/506/34 Indian Penal Code, 1860. I also identify the respondent no. 2, Ms. X as being the complainant of the said FIR present today in the Court.

The proofs of identity of the petitioner nos. 1 & 2 and of the respondent no. 2 in the form of photocopies of their Aadhar Cards are on the record as Ex. CW1/A, Ex. CW1/B & Ex. CW1/C respectively. (Originals seen and returned.)

ANU MALHOTRA, J

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Statement of CW2 : Ms. X, w/o Shri Kundun Mishra, , aged 30 years, r/o H.No. 201, Saini Mohalla previously resident of H.No. 82, Saini Mohalla, Nangloi, Delhi.

ON S.A.

Mr. Kundun Mishra, i.e., my spouse is present today in the Court. I do not oppose the prayer made by the petitioner nos. 1 & 2, i.e., Md. Khalid and Ms. Rehana seeking quashing of the FIR No. 446/2014, PS Nangloi, under Sections 323/354/506/34 Indian Penal Code, 1860 nor do I want the petitioners to be punished in relation thereto. The petitioner nos. 1 & 2 were my neighbours earlier.

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. 446/2014, PS Nangloi, under Sections 323/354/506/34 Indian Penal Code, 1860 nor do I want the petitioners to be punished in relation thereto. The petitioners are not presently residing at Saini Mohalla. The petitioner no. 1 has apologized to me now today in the Court and I accept his apology.

I am a graduate.

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

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Statement of CW3 : Md. Khalid, s/o Md. Aslam, age 29 years, previously resident of H.No. 82 Saini Mohalla, PS Nangloi, presently residing at H.No. 142, Extension D Block, Nangloi, Delhi.

ON S.A.

I apologize to the respondent no. 2 for the incident in relation to which the FIR No. 446/2014, PS Nangloi, under Sections 323/354/506/34 Indian Penal Code, 1860 was registered on her complaint. I undertake not to make any contact with her.

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 03, 2018