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

+ **CRL.M.C. 1396/2018 & CRL.M.A. 5066/2018**

ASHOK PATHAK

..... Petitioner

Through

Mr. Sanjeev Kumar Jha, Adv. with
petitioner in person.

versus

STATE & ANR

..... Respondent

Through

Mr. Sanjeev Sabharwal, APP for State
with SI Hira Lal, PS Naraina, Delhi
Mr. Subrat Deb, Adv. for R2 with R2
in person.

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

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19.03.2018

CRL.M.A. 5066/2018

CRL.M.A. 5066/2018 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. 1396/2018

Vide the present petition, the petitioner seeks quashing of FIR No. 135/14, registered at PS Naraina, under Sections 354A-506/509/323 of the Indian Penal Code, 1860 submitting to the effect that a settlement has been arrived at between the petitioner and the respondent no.2 vide a Settlement Agreement dated 22.01.2018 which is on record as Ex.CW2/A and that all disputes between the parties have been amicably resolved.

CRL.M.C. 1396/2018

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The Investigating Officer of the case present today in Court has identified the petitioner Ashok Pathak s/o Sh. R.D. Pathak as being the accused in relation to the FIR No. 135/14, registered at PS Naraina, under Sections 354A-506/509/323 of the Indian Penal Code, 1860. He has also identified the respondent no. 2 Ms. X w/o Sh. Sudeep Singh present today in the Court i.e. the complainant of the said FIR. The proof of the identity of the petitioner and of the respondent no. 2 in the form of photocopies of their Aadhar Cards produced by them are Ex. CW1/A to 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 and has also stated that she has signed the Settlement Agreement dated 22.01.2018 voluntarily of her own accord without any duress, pressure or coercion from any quarter. As per the settlement agreement on record Mr. Sudeep Singh is also a signatory thereof, who has signed at point-B thereof and *inter alia* it has been submitted by the respondent no. 2 that she and her husband has settled all disputes and thus Mr. Sudeep Singh has also been examined in relation thereto and affirms that he has settled all his disputes with the petitioner in relation to the FIR in question which was registered on the complaint of the respondent no.2 his wife.

The respondent no. 2 has done M.D. and is a practising doctor.

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 settlement arrived at between the petitioners and the respondent no.2.

In view of the deposition of the respondent no.2 there appears no reason to disbelieve her statement that she has made her statement voluntarily of her own accord without any duress, coercion or pressure from any quarter and thus for the well being of the respondent no. 2, it is considered essential to put *a quietus* to the litigation between the parties and it is considered appropriate to allow the prayer made by the petitioner seeking quashing of FIR No. 135/14, registered at PS Naraina, under Sections 354A-506/509/323 of the Indian Penal Code, 1860 and all the consequential proceedings emanating therefrom against the petitioner. In view thereof the FIR No. 135/14, registered at PS Naraina, under Sections 354A-506/509/323 of the Indian Penal Code, 1860 and all the consequential proceedings emanating therefrom against the petitioner Ashok Pathak s/o Sh. R.D. Pathak are quashed.

The petition is disposed of.

ANU MALHOTRA, J

MARCH 19, 2018/MK

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CRL.M.C. 1396/2018

ASHOK PATHAK versus STATE & ANR

Statement of CW1 : SI Hira Lal, PS Naraina, Delhi.

ON S.A.

I identify the petitioner Ashok Pathak s/o Sh. R.D. Pathak as being the accused in relation to the FIR No. 135/14, registered at PS Naraina, under Sections 354A-506/509/323 of the Indian Penal Code, 1860. I also identify the respondent no. 2 Ms. X w/o Sh. Sudeep Singh present today in the court i.e. the complainant of the said FIR. The proof of the identity of the petitioner and of the respondent no. 2 in the form of photocopies of their Aadhar Cards produced by them are Ex. CW1/A to Ex. CW1/B respectively (original seen and returned).

ANU MALHOTRA, J

RO & AC

MARCH 19, 2018/MK

Statement of CW2 : Ms. X w/o Mr. Sudeep Singh, aged 46 years r/o A-1/68, Safdarjung Enclave, New Delhi - 29.

ON S.A.

I do not oppose the prayer made by the petitioners seeking quashing of the FIR No. 135/14, registered at PS Naraina, under Sections 354A-506/509/323 of the Indian Penal Code, 1860 and I do not want the petitioner to be punished in relation thereto. The said FIR had been got registered by me in view of some misbehaviour by the petitioner for which he has regretted and the matter has since been resolved due to the intervention of the family members and respectable. The Settlement Agreement dated 22.01.2018 bears my signatures thereon at point-A on Ex.CW2/A. My affidavit annexed to the petition bears my signatures thereon at points-A and B on Ex.CW2/B which I have signed voluntarily of my own accord without any duress, pressure or coercion from any quarter. I have done M.D. and I am a practising Doctor. I have made this statement voluntarily of my own accord without any duress or coercion from any quarter.

ANU MALHOTRA, J

RO & AC

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CRL.M.C. 1396/2018

ASHOK PATHAK versus STATE & ANR

Statement of CW3 : Mr. Sudeep Singh s/o Dr. Kiran Singh, aged 46 years r/o A-1/68, Safdarjung Enclave, New Delhi - 29.

ON S.A.

I affirm my signatures at point-B on Ex.CW2/A, the Settlement Agreement dated 22.01.2018. There are now no disputes between me and the petitioner. I do not oppose the prayer made by the petitioners seeking quashing of the FIR No. 135/14, registered at PS Naraina, under Sections 354A-506/509/323 of the Indian Penal Code, 1860 registered on the complaint of my wife i.e. the respondent no. 2. I have made this statement voluntarily of my own accord without any duress or coercion from any quarter.

ANU MALHOTRA, J

RO & AC

MARCH 19, 2018/MK