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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 1413/2018 & CRL.M.A. 5132/2018**

RAJEEV AGGARWAL Petitioner
Through: Mr. Sushant Mukund, Advocate.

versus

THE STATE GOVT OF NCT OF DELHI & ANR Respondents
Through: Mr. Izhar Ahmad, APP for State with
Insp. Ajay Kumar, SHO GTB
Enclave.
Respondent no. 2 in person.

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER
% **20.03.2018**

Vide the present petition, the petitioner seeks quashing of the FIR No. 396/13, PS Kotla Mubarakpur under Sections 354/354-D/341/506 and under Section 66(A) of the IT Act submitting to the effect that a settlement has been arrived at between the parties and there are now no disputes left between them. As per the avements made in the petition, it is stated that the premises of the petitioner were in occupation of the father of the respondent no. 2 as a tenant and all the disputes have since been resolved between the parties and the tenanted premises have been left by the father of the respondent no. 2 and now no disputes left between the parties.

The Investigating Officer of the case presently posted as SHO, G.T.B. Nagar Enclave being the Investigating Officer of the present

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FIR is present and has identified the petitioner Rajeev Aggarwal as

being the accused arrayed in the FIR no. 396/13, PS Kotla Mubarakpur under Sections 354/354-D/341/506 of the Indian Penal Code, 1860 and under Section 66(A) of the IT Act. He has also identified the respondent no. 2, Ms. X, prosecutrix present today in the Court as being the complainant and also identified Mr. Shiv Charan the father of the prosecutrix present today. The petitioner has produced his original Aadhar Card bearing no. 2977 1024 0912, photocopy of which is directed to be placed on the record. The proof of identity of the respondent no. 2 in the form of her Aadhar Card has been produced in original is on the record as Ex.CW1/B, original of which has been seen and returned.

The respondent no. 2 in her examination on oath by this Court has affirmed having sworn her affidavit annexed to the petition Ex. CW2/B in support of the averments made in the petition voluntarily of her own accord without any duress, coercion or pressure from any quarter and also affirms having signed the settlement deed Ex. CW2/A also likewise on the basis of the settlement arrived at between the parties. *Inter alia* the respondent no. 2 in view of the averments made in Ex. CW2/A in reply to a specific court query has stated that the petitioner has since apologized to her and that she is an under graduate studying in B.A. Final year and that she seeks that a quietus is put to the litigation as she wants to live in peace.

The petitioner who has been examined on oath submits that he has apologized to the respondent no. 2 undertakes not to harass her in

future and states that he has no contact with the respondent no. 2 and

shall not contact her again.

On behalf of the State, there is no opposition to the prayer made by the petitioner seeking quashing of the FIR in question in the circumstances of the case.

In view of the deposition of the respondent no. 2 and also in view of the deposition of the father of the respondent no. 2 who is the signatory to Ex. CW2/A, the settlement arrived at between the petitioner and the respondent no. 2, for the well being of the respondent no. 2 herself, it is considered appropriate to put a quietus to the litigation between the parties and for the maintenance of peace and harmony between the petitioner and the respondent no. 2 as no useful purpose would be served by continuance of the litigation, in view of the respondent no. 2 having stated that the petitioner has since apologized to her and that she needs peace of mind for her studies and taking into account the aspect that to similar effect is the submission made by her father. In the circumstances of the case, the FIR No. 396/13, PS Kotla Mubarakpur under Sections 354/354-D/341/506 of the Indian Penal Code, 1860 and under Section 66(A) of the IT Act and all consequential proceedings emanating therefrom against the petitioner are thus quashed.

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CW-1 Inspector Ajay Kumar, SHO GTB Enclave.

ON S.A.

I identify the petitioner Rajeev Aggarwal as being the sole accused arrayed in the FIR no. 396/13, PS Kotla Mubarakpur under Sections 354/354-D/341/506 of the Indian Penal Code, 1860 and under Section 66(A) of the IT Act. I also identify the respondent no. 2, Ms. X, prosecutrix present today in the Court as being the complainant thereof. The petitioner has produced his original Aadhar Card bearing no. 2977 1024 0912, photocopy of which is directed to be placed on the record. 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/B (Original seen and returned). I also identify the father of the prosecutrix namely Sh. Shiv Charan.

**RO & AC
MARCH 20, 2018.**

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RAJ EEV AGGARWAL Vs. STATE & ANR.

CW-2 Ms. X, d/o Sh. Shiv Charan, aged 23 years, r/oA-164, Mahavir Enclave, Part-III, Uttam Nagar, Delhi.

ON S.A.

I have no opposition to the prayer made by the petitioner seeking quashing of the FIR No. 396/13, PS Kotla Mubarakpur under Sections 354/354-D/341/506 and under Section 66(A) of the IT Act in view of the settlement arrived at between me and the petitioner on 03.03.2018 vide a settlement cum compromise deed, which bears my signatures thereon at point A on Ex. CW2/A and I have signed it voluntarily of my own accord without any duress, coercion or pressure from any quarter. My affidavit annexed to the petition bears my signatures thereon at points A & B on Ex. CW2/B which I have signed voluntarily of my own accord without any duress, coercion or pressure from any quarter in support of the prayer made by the petitioner seeking quashing of the FIR in question, in view of the settlement arrived at between me and the petitioner. My father who is the former tenant of the petitioner has left the premises of the petitioner. There are now no disputes between me and the petitioner. I am presently studying in B.A. Final year. The petitioner has apologized to me.

I do not oppose the prayer made by the petitioner seeking quashing of FIR in question nor do I want him to be punished in relation thereto as I do not want any disturbances in my studies and in my peace.

**RO & AC
MARCH 20, 2018.**

ANU MALHOTRA, J

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CW-3 Sh. Shiv Charan, s.o Late Sh. Pani Ram, Aged 46 years, r/oA-164, Mahavir Enclave, Part-III, Uttam Nagar, Delhi.

ON S.A.

The respondent no. 2 present today in the Court is my daughter. I do not oppose the prayer made by the petitioner seeking quashing of FIR No. 396/13, PS Kotla Mubarakpur under Sections 354/354-D/341/506 and under Section 66(A) of the IT Act in view of the settlement arrived at between me and the petitioner and between the petitioner and the respondent no. 2. The settlement cum compromise deed, dated 03.03.2018 bears my signatures thereon at point B on Ex. CW2/A and I have signed it voluntarily of my own accord without any duress, coercion or pressure from any quarter. The petitioner has apologized to my daughter.

**RO & AC
MARCH 20, 2018.**

ANU MALHOTRA, J

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**RAJ EEV AGGARWAL Vs. STATE & ANR.
20.03.2018**

**CW-4 Sh. Rajeev Aggarwal, s.o Late Sh.Gian Chand Aggarwal, Aged
42 years, r/o 307, Trilok Colony Bapu Park, Kotla Mubarakpur, Delhi.**

ON S.A.

I have no contact with the respondent no. 2 nor shall I contact her in future. I undertake not to harass her. I have apologized to the respondent no. 2.

**RO & AC
MARCH 20, 2018.**

ANU MALHOTRA, J