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

+ CRL.M.C. 1608/2018

CHETAN CHOUDHARY

..... Petitioner

Through Mr. Shantanu Bhadrawaj, Advocate.

versus

STATE (GOVT OF NCT OF DELHI) & ANR Respondents

Through Mr. Sanjeev Sabharwal, APP for the
State with SI Mahesh Singh PS
Pandav Nagar.

Mr. Vishal Juleria, Advocate for R2
with respondent no.2 in person.

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

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04.04.2018

Vide the present petition, the petitioner seek, quashing of the FIR No. 74/2014, PS Pandav Nagar under Sections 354/354A/354(D) of the Indian Penal Code, 1860 submitting to the effect that a settlement has been arrived at between the parties and that no useful purpose would be served by continuation of further proceedings in relation to the FIR No. 74/2014, PS Pandav Nagar under Sections 354/354A/354(D) of the Indian Penal Code, 1860.

The Investigating Officer of the case is present today in the Court and has identified the petitioner Chetan Choudhary as being the sole accused in FIR No. 74/2014, PS Pandav Nagar under Sections 354/354A/354(D) of the 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 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 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 has further testified to the effect that she has signed the copy of the Memorandum of Understanding dated 23.03.2018 arrived at between her and the petitioner at point A on each page thereof on Ex. CW2/B. She has further testified that the petitioner has since apologized to her and she accepts his apology and states that she does not oppose the prayer made by the petitioner seeking quashing of the FIR No. 74/2014, PS Pandav Nagar under Sections 354/354A/354(D) of the Indian Penal Code, 1860 nor does she want the petitioner to be punished in relation thereto. She has further stated that she is a graduate and she has been in service since the last 12 years and that she has made her statement voluntarily of her own accord without any duress, pressure or coercion from any quarter.

The petitioner has also stated in his examination on oath by court that he has apologized to the respondent no. 2 in relation to the incidents qua which the FIR No. 74/2014, PS Pandav Nagar under Sections 354/354A/354(D) of the Indian Penal Code, 1860 was registered on the complaint of the respondent no. 2 and that he

undertakes not to misbehave with the respondent no.2 and also that he has 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 petitioner and the respondent no. 2, it is considered essential to put a quietus to the litigation between the petitioner and the respondent no.2 and also as it is apparent that a settlement has been arrived at between the parties, the prayer made in the petition seeking quashing of the FIR in question is allowed.

In view thereof, the FIR No. 74/2014, PS Pandav Nagar under Sections 354/354A/354(D) of the Indian Penal Code, 1860 and all consequential proceedings emanating therefrom against the petitioner are quashed.

ANU MALHOTRA, J

APRIL 04, 2018

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Statement of CW1 : SI Mahesh Singh, PS Pandav Nagar, Delhi.

ON S.A.

I identify the petitioner Chetan Choudhary as being the sole accused in FIR No. 74/2014, PS Pandav Nagar under Sections 354/354A/354(D) of the 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 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 respectively. (Originals seen and returned.)

ANU MALHOTRA, J

RO & AC

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Statement of CW2 : Ms. X, D/o Ashwani Kaushal, , aged 35 years, previously r/o H.No. 138 C, Pocket – C, Mayur Vihar, Phase-II, Delhi and Presently R/o KM-1403, Amarpali Village, Indrpuram, Ghaziabad, UP.

ON S.A.

My affidavit annexed to the petition bears my signature thereon at points-A & B on Ex.CW2/A. The copy of Memorandum of Understanding dated 23.03.2018 arrived at between me and the petitioner bears my signatures at point A on each page thereon Ex. CW2/B. I have signed both these documents voluntarily of my own accord without any duress, pressure or coercion from any quarter.

The petitioner has since apologized to me and I accept his apology and thus I do not oppose the prayer made by the petitioner seeking quashing of the FIR No. 74/2014, PS Pandav Nagar under Sections 354/354A/354(D) of the Indian Penal Code, 1860 nor do I want petitioner to be punished in relation thereto.

I am a graduate and I am in service since last 12 years.

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

ANU MALHOTRA, J

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Statement of CW3: Chetan Choudhary, S/o Sh. J.C. Chaudhary, Aged about 37 years, R/o F-4, Plot No. 314A, PNB Road, Sector- 3A, Vaishali, Ghaziabad, UP.

ON S.A.

I apologize to the respondent no. 2 in relation to the incidents qua which the FIR No. 74/2014, PS Pandav Nagar under Sections 354/354A/354(D) of the Indian Penal Code, 1860 was registered on her complaint. I undertake not to misbehave with the respondent no.2.

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 04, 2018