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

+ CRL.M.C. 1614/2018

TAJ MOHAMMAD Petitioner

Through Petitioner in person.

versus

STATE & ANR Respondents

Through Mr. Kewal Singh Ahuja, APP for the
State with SI Suresh Chand PS
Shahdara.
Mr. Ankit Kansal, Advocate for
Respondent no.2 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 seeks quashing of the FIR No. 441/2013, PS Shahdara under Sections 354/506 Indian Penal Code, 1860 submitting to the effect that a settlement has been arrived at between the petitioner and the respondent no.2 pursuant to mediation settlement dated 13.03.2015 at Delhi Mediation Centre, Karkadooma Courts, Delhi whereby the petitioner has since been apologised to the respondent no.2 and the same has been accepted by the respondent no.2.

The Investigation Officer of the case is present today in the Court and has identified the petitioner Taj Mohammad as being the sole accused in FIR No. 441/2013, PS Shahdara under Sections

354/506 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 and 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 further states that she does not oppose the prayer made by the petitioner seeking quashing of the FIR No. 441/2013, PS Shahdara under Sections 354/506 Indian Penal Code, 1860 nor does she want him to be punished in relation thereto and that she has made her statement voluntarily. She has further stated that the petitioner has apologized to her and she accepts his apology. She has also stated that she has now no problems with the petitioner. There appears no reason to disbelieve the statement made by the respondent no. 2 who 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 has also stated in his examination on oath by court that he has apologized to the respondent no. 2 for the incident in relation to which the FIR No. 441/2013, PS Shahdara under Sections 354/506 Indian Penal Code, 1860 was registered on her complaint and he has also undertaken not to misbehave with the respondent no. 2 and states 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 and also as it is apparent that the settlement has been arrived at between the petitioner and the respondent no.2 vide a mediation settlement dated 12.03.2018, the prayer made in the petition seeking quashing of the FIR in question is allowed.

In view thereof, the FIR No. 441/2013, PS Shahdara under Sections 354/506 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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CRL.M.C. 1614/2018

Taj Mohammad

Vs. STATE & ANR

Statement of CW1 : SI Suresh Chand, PS Shahadara, Delhi.

ON S.A.

I identify the petitioner Taj Mohammad as being the sole accused in FIR No. 441/2013, PS Shahdara under Sections 354/506 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

APRIL 04, 2018

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CRL.M.C. 1614/2018

Taj Mohammad

Vs. STATE & ANR

**Statement of CW2 : Ms. X, D/o Shri Bijender Sharma, , aged 24 years,
r/o H.No. 24, Gali no. 2, Balbir Nagar, Shahdara, Delhi.**

ON S.A.

I do not oppose the prayer made by the petitioners seeking quashing of the FIR No. 441/2013, PS Shahdara under Sections 354/506 Indian Penal Code, 1860 nor do I want petitioner to be punished in relation thereto.

My affidavit annexed to the petition bears my signature thereon at points-A & B on Ex.CW2/A. The attested copy of Mediation Settlement dated 12.03.2018 arrived at Delhi Mediation Centre, Karkadooma Courts, Delhi between the petitioner and respondent no. 2 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 apologized to me now today in the Court and I accept his apology. There are now no problems between me and the petitioner.

I am a graduate and work as a computer operator.

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

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CRL.M.C. 1614/2018

Taj Mohammad

Vs. STATE & ANR

Statement of CW3: Taj Mohammad, S/o Aash Mohammad, Aged about 26 Years, R/o. H.No. D-45, Street No. 9, Near Minara Masjid, Mohanpuri Moujpur, Delhi.

ON S.A.

The attested copy of Mediation Settlement dated 12.03.2018 arrived at Delhi Mediation Centre, Karkadooma Courts, Delhi between the petitioner and respondent no. 2 bears my signatures at point B on each page thereon Ex. CW2/B. I have signed this document voluntarily of my own accord without any duress, pressure or coercion from any quarter.

I apologize to the respondent no. 2 in relation to the incident qua which the FIR No. 441/2013, PS Shahdara under Sections 354/506 Indian Penal Code, 1860 was registered on her complaint. I undertake not to misbehave with the respondent no.2 and will abide by the terms and the conditions of the mediation settlement which has been arrived at the Delhi Mediation Centre, Karkadooma Courts, Delhi

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