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

+ CRL.M.C. 1628/2018
DHARAMRAJ

..... Petitioner
Through Mr. Shankar Uday Shankar, Adv.

versus

THE STATE (GOVT. OF NCT OF DELHI) & ORS. .. Respondent
Through Mr. Sanjeev Sabharwal, APP for the state
SI Mr. Pankaj Kumar, PS Pulprahlad

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

% **05.04.2018**

CRL.M.A. 5905/2018

CRL.M.A. 5905/2018 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. 1628/2018

Vide the present petition, the petitioner seeks quashing of the FIR No. 386/2015, PS Pulprahladpur under Sections 354/354A/341/506/509 of the Indian Penal Code, 1860 registered on the complaint of Ms. X wife of Mr. Dherender Pratap Sharma submitting to the effect that a settlement has been arrived at between the parties vide MOU dated 28.2.2018 which has been executed between the petitioner herein and the respondent No.2 herein and also Mr. Dherender Pratap Sharma and Mr. Rahul Sharma.

The Investigation Officer of the case is present today in the Court and has identified the petitioner Dharamraj as being the accused in FIR No. 386/2015, PS Pulprahladpur under Sections 354/354A/341/506/509 of the Indian Penal Code, 1860. The I.O. submits that chargesheet in this case has already been submitted and the other two persons named as suspects, namely, Smt. Renu and Anju were put in column No.12 and it has been stated in the chargesheet that there is no evidence found against them. The I.O. also identify the respondent no. 2, Ms. X as being the complainant of the said FIR present today in the Court. The petitioner and the respondent no. 2 have produced their Aadhar Cards bearing No.487493202418 and 372234447645 respectively, photocopies of which are directed to be filed.

The Respondent No.2 in her examination on oath by the Court affirmed having signed her affidavit at points-A & B on Ex.CW2/A annexed to the petition is MOU 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 28.02.2018 arrived at between her and the petitioner at point A thereon 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. 386/2015, PS Pulprahladpur under Sections 354/354A/341/506/509 of the Indian Penal Code, 1860. She further stated that she did not want petitioner to be

punished in relation thereto. She has further stated she has studied till class XII and has worked as social worker for about 13-14 years and that she has made her statement voluntarily, of her own accord without any duress, pressure or coercion from any quarter.

On behalf of the State there is no opposition to the quashing of the FIR in question in view of the settlement arrived at between the parties.

Taking into account the statement made by the respondent No.2 who is a social worker for about 13-14 years and sufficiently educated which indicates that she understands the implications of the statement made by her, there is no reason to disbelieve her statement.

In view thereof, for maintenance of peace and harmony between the petitioner and the respondent no. 2 as they are neighbours, 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. 386/2015, PS Pulprahladpur under Sections 354/354A/341/506/509 of the Indian Penal Code, 1860 and all consequential proceedings emanating therefrom against the petitioner are quashed.

ANU MALHOTRA, J

APRIL 05, 2018/nk

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Dharamraj vs. State & Ors.

Statement of CW1 : SI Pankaj Kumar, PS Pulprahladpur, Delhi.

ON S.A.

I identify the petitioner Dharamraj as being the sole accused in FIR No. 386/2015, PS Pulprahladpur under Sections 354/354A/341/506/509 of the Indian Penal Code, 1860. The chargesheet in this case has already been submitted and the other two persons named as suspects, namely, Smt. Renu and Anju were put column No.12 and it has been stated in the chargesheet that there is no allegation of misconduct towards Renu and Anju.

I also identify the respondent no. 2, Ms. X as being the complainant of the said FIR present today in the Court.

The petitioner and the respondent no. 2 have produced their Aadhar Cards bearing No.487493202418 and 372234447645 respectively. Photocopies of which are directed to be filed.

ANU MALHOTRA, J

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Statement of CW2 : Ms. X, w/o Shri Dherender Pratap Sharma, aged 48 years, r/o B-57, Chungi No.2, Lal Kuan, New Delhi.

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 28.02.2018 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. 386/2015, PS Pulprahladpur under Sections 354/354A/341/506/509 of the Indian Penal Code, 1860 nor do I want petitioner to be punished in relation thereto. I also do not want Ms. Renu and Ms. Anju to be punished in relation to the allegations made against them.

I have studied till class XII and I have worked as social worker for about 13-14 years.

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 05, 2018