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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 2096/2018 & CRL.M.A. 7435/2018**

VIKESH PAL Petitioner
Through: Mr. Sanjeev Sharma, Advocate.

versus

STATE & ANR Respondents
Through: Mr. Kamal Kr. Ghei, APP for State
with SI Anup Rana, PS Uttam Nagar.
R-2 in person with Mr. Nitesh Mehra,
Advocate for R-2.

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER
% **23.04.2018**

Vide the present petition, the petitioner seeks quashing of the FIR No. 92/18, PS Uttam Nagar under Sections 323/313/506/34 of the Indian Penal Code, 1860 submitting to the effect that a settlement has since been arrived at between the petitioner and the respondent no. 2 and that they are living together.

The substitute Investigating Officer of the case is present today in the Court and submits that the person named Harkesh Pal who is stated to be the brother-in-law of the respondent no. 2 named in the FIR in question has not been arrested. As per averments made in the petition and as submitted by the Investigating Officer apart from the petitioner, there are no other allegations against any other person named in the FIR

for any alleged commission of offence. The petitioner and the respondent no. 2 have been identified by the substitute Investigating Officer present in the Court present through their identity proofs on the record in the form of photocopies of their Aadhar Cards, which are on the record as Ex. CW1/A & Ex. CW1/B, originals of which have been seen and returned.

The respondent no. 2 in her deposition on oath on examination by Court has affirmed having sworn her affidavit annexed to the petition voluntarily and states that the FIR in question was lodged in view of her misconception that the abortion caused to her was due to an act of the petitioner whereas she stated that she had suffered from complications whilst being in the family way. The respondent no. 2 testified to the effect that she is living with the petitioner since the time when the petitioner was granted bail, i.e., on 09.02.2018 and further submitted that she does not want the continuance of proceedings any further in relation to the FIR against the petitioner nor against one Harkesh Pal. She has further testified to the effect that there are now no problems between the petitioner and herself and that she intends to live with the petitioner.

The averments made in the petition and the testimony of the petitioner also indicate that she is newly married and was married to the petitioner on 09.12.2017 and stated that she is presently pursuing her B.Com. Apparently the respondent no. 2 is well educated and capable of understanding the implications of the statement made by her and thus

there appears no reason to disbelieve her statement that she has arrived at a settlement with the petitioner voluntarily and that she was recently married to the petitioner, i.e., on 09.12.2017 and submits that she has been living with the petitioner w.e.f. 09.02.2018 and wants to continue to live with the petitioner. In view thereof, for maintenance of peace and harmony between the petitioner and the respondent no. 2 and for the well being of the respondent no. 2 herself, it is considered appropriate to put a quietus to the litigation between the parties.

In view thereof, the FIR No. 92/18, PS Uttam Nagar under Sections 323/313/506/34 of the Indian Penal Code, 1860 against the petitioner with allegations against Mr. Harkesh Pal also and all consequential proceedings emanating therefrom are thus quashed.

ANU MALHOTRA, J

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CRL.M.C. 2096/2018

VIKESH PAL versus

STATE & ANR

Statement of CW1 : SI Anup Rana, PS Uttam Nagar.

ON S.A.

I identify the petitioner Vikesh Pal @ Vikas Pal as being the sole accused arrested in FIR No. 92/18, PS Uttam Nagar under Sections 323/313/506/34 of the Indian Penal Code, 1860. The charge sheet in the instant case has on yet been filed. The other person named in the FIR, i.e., Mr. Hakesh Pal who is the brother-in-law of the respondent no. 2 has not been arrested in relation to the FIR in question registered on the complaint of the respondent no. 2. There are no other persons arrayed in the FIR as accused persons. The proofs of the identity of the petitioner and of the respondent no. 2 in the form of photocopies of their Aadhar Cards are Ex.CW1/A and Ex. CW1/B respectively (originals seen and returned).

**RO & AC
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ANU MALHOTRA,J

Statement of CW2 : Ms. Kajal Shukla, w/o Vikesh Pal @ Vikas Pal, d/o Sh. Nand Lal Shukla, age 22 years, r/o WZ-4, Om Vihar, Phase-III, Uttam Nagar, Delhi.

ON S.A.

I have perused the FIR No. 92/18, PS Uttam Nagar registered on my complaint on 04.02.2018 against the petitioner with allegations also against one Harkesh Pal, my brother-in-law. I was married to the petitioner on 09.12.2017. The FIR was got registered on my complaint against the petitioner as I thought that the abortion was due to him however, it was suffered due to complications from the time when I was in the family way. I am living with the petitioner w.e.f. 09.02.2018 since when he was granted bail till date without any problems now and I intend and want to continue to live with the petitioner.

I thus do not oppose the prayer made by the petitioner seeking quashing of the FIR No. 92/18, PS Uttam Nagar under Sections 323/313/506/34 of the Indian Penal Code, 1860.

My affidavit annexed to the petition bears my signatures thereon at points A & B on Ex. CW2/A which I have signed voluntarily of my own accord without any duress, coercion or pressure from any quarter. I am presently pursuing my B.Com 2nd year.

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

RO & AC
APRIL 23, 2018/NC

ANU MALHOTRA,J