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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.M.C. 2223/2018 & CRL.M.A. 7891/2018
KHEM CHAND Petitioner
Through: Ms. Dipika Saxena, Adv.

versus

STATE & ANR Respondent
Through: Mr. Sanjeev Sabharwal, APP for
State with SI Rabnir Singh, PS
Nangloi
Mr. Anubhav Mehrotra, Adv. for R-2.

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

% **29.05.2018**

Vide the present petition, the petitioner seeks quashing of FIR No.319/2013, registered at PS Nangloi, under Sections 354-A Indian Penal Code, 1860 and all consequential proceedings emanating therefrom submitting to the effect that a settlement has been arrived at between the parties and the said settlement is pursuant to the settlement arrived at at the Counselling Cell of the Court of the Principal Judge, Family Court (West), THC, Delhi during the course of proceedings in Suit No.MT 108/14 between the respondent no.2 herein and her erstwhile spouse.

The Investigating Officer of the case present today in Court has identified the petitioner Shri Khem Chand as being the accused arrayed in the FIR No.319/2013, registered at PS Nangloi, under Sections 354-A Indian Penal Code, 1860 and has also identified the respondent no.2 Ms. X

present today in Court as being the complainant of the FIR in question. The proofs of identity of the petitioner and the respondent no. 2 in the form of photocopies of their Aadhar Cards are on the record as Ex. CW1/A and Ex. CW2 respectively. (Originals seen and returned.)

The respondent no.2 in her deposition on oath on examination by the Court has affirmed the factum of the settlement between her and her erstwhile spouse during the course of proceedings at the Counselling Cell in the Court of the Principal Judge, Family Court (West), THC, Delhi, copy of which proceedings bears the signature of the respondent no.2 on Ex.CW1/A as testified by the respondent no.2, the terms of which indicate that vide clause-7 of the same, the respondent no.2 herein had agreed to seek the quashing of the instant FIR also 354 Indian Penal Code, 1860. The respondent no.2 has further testified to the effect that she does not oppose the prayer made by the petitioner seeking quashing of the FIR in question nor does she want the petitioner to be punished in relation thereto in view of the settlement arrived at between her and Mr. Kishan her erstwhile spouse.

On behalf of the petitioner has been submitted by the learned counsel for the petitioner the copy of the order dated 27.04.2018 in CrI.M.C.2225/2018 of this Court vide which the FIR No.299/2012, PS Nangloi, under Sections 498A/406/34 Indian Penal Code, 1860 filed by the erstwhile spouse of the respondent no.2 herein and brother-in-law and sisters-in-law, was quashed pursuant to the settlement dated 01.11.2014 arrived at in the Court of the Principal Judge, Family Court (West), THC, Delhi which is the same settlement as Ex.CW1/A on the record in the present petition. During the course of proceedings in CrI.M.C.2225/2018,

the respondent no.2 herein had also undertaken to cooperate in seeking quashing of the FIR No.319/2013, registered at PS Nangloi qua which the present petition has been filed and further stated that she would not make any claim contrary to the settlement terms. Taking into account the undertaking made by the respondent no.2 in her deposition before this Court and non-opposition on behalf of the State, the FIR No.319/2013, registered at PS Nangloi, under Sections 354-A Indian Penal Code, 1860 and all the consequential proceedings emanating therefrom against the petitioner are quashed.

ANU MALHOTRA, J

MAY 29, 2018

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CRL.M.C. 2223/2018

KHEM CHAND

Vs. STATE & ANR

Statement of CW2 : Ms. X, d/o Shri Man Singh, aged 32 years, r/o D-392, D-Block, JJ Colony, Nangloi, New Delhi.

ON S.A.

I do not oppose the prayer made by the petitioners seeking quashing of the FIR No.319/2013, registered at PS Nangloi, under Sections 354-A Indian Penal Code, 1860 in view of the settlement arrived at between me and Kishan, my erstwhile spouse and the marriage between me and Kishan has already been dissolved.

A settlement arrived at at the Court of the Principal Judge, Family Court (West), THC, Delhi in the Counselling Cell bears my signature thereon at point-A thereof on Ex. CW1/A. My affidavit annexed to the petition in support of the averments made in the petition bears my signature thereon at points-A & B on Ex.CW2/B. I have signed both these documents voluntarily of my own accord without any duress, pressure or coercion from any quarter.

I am an MBA and work in a Real Estate Company.

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

ANU MALHOTRA, J

RO & AC

MAY 29, 2018