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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.M.C. 3020/2018
BRIJ LAL SHARMA Petitioner
Through: Mr. BP Choubey, Adv.

versus

STATE & ANR Respondent
Through: Mr. Izhar Ahmad, APP for State with
ASI Jai Kishan, PS Mangol Puri.
Mr. PK Jha, Adv. for R-3.

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

% **29.05.2018**

Vide the present petition, the petitioner seeks quashing of FIR No.1470/2014, registered at PS Mangol Puri, under Sections 354/451/506 Indian Penal Code, 1860 submitting to the effect that a settlement has been arrived at between the parties.

The Investigating Officer of the case present today in Court has identified the petitioner Shri Brij Lal Sharma, s/o Shri Virender Sharma as being the sle accused arrayed in FIR No.1470/2014, registered at PS Mangol Puri, under Sections 354/451/506 Indian Penal Code, 1860 and has also identified the respondent no.3 Ms. X present today in Court as being the complainant thereof. The Investigating Officer has further stated that the parties are residing in the same locality at some distance from each other. The proofs of identity of the petitioner and of the respondent no. 3 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.3 in her deposition on oath on examination by the Court has testified to having sworn her affidavit annexed to the petition as Ex.CW2/B and has further testified to having signed the mediation settlement dated 19.01.2017 arrived at the Delhi Mediation Centre, Rohini Courts, copy of which is on the record as Ex. CW2/A voluntarily of her own accord without any duress or coercion from any quarter and has stated that in terms thereof, the petitioner has since apologized to her and 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. She has further stated that she is not literate and is assisted by counsel Mr. PK Jha whose Vakalatnama is on the record for the respondent no.3.

The petitioner present today in Court in reply to a specific Court query has affirmed having signed the mediation settlement Ex.CW2/A arrived at between him and the respondent no.3 on 19.01.2017 and he further stated that he undertakes to abide by the terms of the said settlement and undertook not to harass the respondent no.3 and her family member in any manner.

Learned APP for the State submits that in view of the settlement arrived at between the parties, there is no opposition to the prayer made by the petitioner seeking quashing of the FIR in question.

In view of the deposition of the respondent no.3, there is no reason to disbelieve her statement that she has arrived at a settlement with the petitioners voluntarily of her own accord without any duress, coercion or pressure from any quarter and that the both petitioner and the respondent

no.3 are living in the same locality and in view of the undertaking of the petitioner to abide by the terms of the mediation settlement Ex.CW2/A and in view of the statement made by the respondent no.3 that the petitioner has since apologized to her and that she does not seek the continuation of the proceedings against him and taking the non-opposition on behalf of the State into account, it is considered appropriate to put a quietus to the litigation between the parties for maintenance of peace and harmony between them, the FIR No.1470/2014, registered at PS Mangol Puri, under Sections 354/451/506 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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BRIJ LAL SHARMA

Vs. STATE & ANR

Statement of CW1 : ASI Jai Kishan, PS Mangol Puri, Delhi.

ON S.A.

I identify the petitioner Shri Brij Lal Sharma, s/o Shri as being the sle accused arrayed in FIR No.1470/2014, registered at PS Mangol Puri, under Sections 354/451/506 Indian Penal Code, 1860. I also identify the respondent no.2 Ms. X present today in Court as being the complainant thereof. The parties are residing in the same locality at some distance from each other. 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.)

There is no other person arrayed as accused in the said FIR.

ANU MALHOTRA, J

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Statement of CW2 : Ms. X, d/o Shri Vaqueel Ahmed, aged 21 years, r/o H.No.160, S-Block, Mangol Puri, New Delhi.

ON S.A.

The certified copy of the mediation settlement dated 19.01.2017 bears my signature thereon on each page as visible at point-A thereof on Ex. CW2/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.

The petitioner Mr. Brij Lal Sharma lives in the same locality in which I live. The petitioner has since apologized to me. I do not oppose the prayer made by the petitioner seeking quashing of the FIR No.1470/2014, registered at PS Mangol Puri, under Sections 354/451/506 Indian Penal Code, 1860 in view of the settlement arrived at between me and the petitioner nor do I want the petitioner to be punished in relation thereto.

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

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Statement of CW3 : Shri Brij Lal Sharma, s/o Shri Virender Sharma, aged 26 years, r/o H.No.1469, L-Block, Mangol Puri, New Delhi.

ON S.A.

I undertake not to repeat the incident for which the FIR No.1470/2014, registered at PS Mangol Puri, under Sections 354/451/506 Indian Penal Code, 1860 got registered against me. The mediation settlement dated 19.01.2017 bears my signature thereon at Point-B on each page thereof on Ex.CW2/A. I undertake to abide by the terms of the said settlement Ex.CW2/A and I undertake not to harass the complainant and her family members in any manner in future. I have since apologized to the respondent no.2.

I have studied to standard 8th. I work as a motor mechanic.

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

ANU MALHOTRA, J

RO & AC

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