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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 3104/2018 & CRL.M.A. 10884-10885/2018**

RAJAN SAREEN

..... Petitioner

Through: Mr. Aishwarya Rao, Advocate.

versus

STATE (NCT OF DELHI) & OTHERS

..... Respondent

Through: Mr. Panna Lal Sharma, APP for State
with W/SI Prabha, PS Prasad Nagar.

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER
% **30.05.2018**

Mr. Chirag Khurana, Advocate present on behalf of the respondent no. 2 submits that he would be filing his vakalatnama during the course of the day. The same be filed accordingly.

Vide the present petition, the petitioner seeks quashing of the FIR No. 294/14, PS Prasad Nagar under Sections 354/354(A)(1)/509/511 of the Indian Penal Code, 1860 submitting to the effect that a settlement has been arrived at between the parties and all the disputes between the parties have been amicably resolved.

The Investigating Officer of the case present has identified the petitioner Rajan Sareen as being the sole accused arrayed in the FIR No. 294/14, PS Prasad Nagar under Sections 354/354(A)(1)/509/511

of the Indian Penal Code, 1860. He has also identified the respondent no. 2, Ms. X as being the complainant of the said FIR. The proofs of identify 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, originals of which have been seen and returned.

The respondent no. 2 in her examination on oath by the Court has affirmed having signed the memorandum of settlement dated 19.05.2018 executed between her and the petitioner which bears her signatures at point A on Ex.CW2/B and she has also affirmed having signed her affidavit annexed to the petition Ex. CW2/A voluntarily of her own accord without any duress, coercion or pressure from any quarter. She further states that she seeks peace of mind and thus does not oppose the prayer made by the petitioner seeking quashing of the FIR No. 294/14, PS Prasad Nagar under Sections 354/354(A)(1)/509/511 of the Indian Penal Code, 1860. She further states that she has done her M.B.A. in HR and she further states that she used to work in an HR firm at Gurugram.

In terms of the settlement Ex.CW2/B arrived at between the parties, it was considered essential to examine the petitioner who is thus examined by the Court on oath as CW-3 and he had testified in his testimony to the effect that he undertakes to abide by the terms of the memorandum of settlement dated 19.05.2018, i.e., Ex. CW2/B thereof, he has undertaken to withdraw the criminal case under Section 506 of the Indian Penal Code, 1860 filed by him against the respondent no. 2.

The petitioner, i.e., CW-3 has also affirmed having sworn his affidavit Ex. CW3/A annexed to the petition.

On behalf of the State, there is no opposition to the prayer made by the petitioner seeking quashing of the FIR in question. In the circumstances of the case, in view of the deposition of the respondent no. 2 that she is apparently well educated and capable of understanding the implications of the statement made by her, it is considered appropriate to allow the prayer made by the petitioner as she wants to move on in her life. In view thereof, there appears no reason to disbelieve her statement and taking into account the undertaking given by the petitioner also, it is considered appropriate to put a quietus to the litigation between the parties.

In view thereof, the FIR No. 294/14, PS Prasad Nagar under Sections 354/354(A)(1)/509/511 of the Indian Penal Code, 1860 and all consequential proceedings emanating therefrom against the petitioner are quashed.

The petition is disposed of.

Copy of the order be given *dasti*, as prayed.

ANU MALHOTRA, J

MAY 30, 2018
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CRL.M.C. 3104/2018

RAJAN SAREEN

Vs. STATE & ANR

Statement of CW1 : SI Prabha, PS Prasad Nagar, Delhi.

ON S.A.

I identify the petitioner Rajan Sareen as being the sole accused arrayed in the FIR No. 294/14, PS Prasad Nagar under Sections 354/354(A)(1)/509/511 of the Indian Penal Code, 1860. I also identify the respondent no. 2, Ms. X as being the complainant of the said FIR. The proofs of identify of the petitioner and of the respondent no. 2 in the form of photocopy of their Aadhar Cards are on the record as Ex.CW1/A & Ex.CW1/B. (Originals seen and returned.)

ANU MALHOTRA, J

RO & AC

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RAJAN SAREEN

Vs. STATE & ANR

Statement of CW2 : Ms. X, d/o Ashok Nagpal, age 31 years, r/o 3170, 2nd Floor, Mahindra Park, Rani Bagh New Delhi, previous resident of J-361, First Floor, Rishi Nagar, New Delhi.

ON S.A.

I do not oppose the prayer made by the petitioner seeking quashing of the FIR No. 294/14, PS Prasad Nagar under Sections 354/354(A)(1)/509/511 of the Indian Penal Code, 1860 nor do I want him to be punished in relation thereto as I want to move on in my life.

My affidavit annexed to the petition bears my signatures at points A & B on Ex.CW2/A. The memorandum of settlement dated 19.05.2018 executed between me and the petitioner bears my signatures at point A on Ex.CW2/B. I have signed both these documents voluntarily of my own accord without any duress, coercion or pressure from any quarter.

I have done my M.B.A. in HR and work in a HR firm at Gurugram.

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

ANU MALHOTRA, J

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RAJAN SAREEN

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Statement of CW3 : Mr. Rajan Sareen, s/o T.R. Sareen, age 45 years, r/o 30/18, West Patel Nagar, New Delhi.

ON S.A.

The memorandum of settlement dated 19.05.2018 executed between me and the respondent no. 2 bears my signatures at point B on Ex.CW2/B. My affidavit annexed to the petition bears my signatures at points A & B on Ex.CW3/A. I have signed both these documents voluntarily of my own accord without any duress, coercion or pressure from any quarter.

I undertake to abide by the terms of the settlement and withdraw the criminal case under Section 506 of the Indian Penal Code, 1860 filed by me against the respondent no. 2.

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

ANU MALHOTRA, J

RO & AC

MAY 30, 2018