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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.M.C. 4346/2017 & CRL.M.A. 17445-17446/2017
AMIT GUPTA @ RINKU GUPTA Petitioner
Through Mr. S.S. Bhati, Adv. with petitioner in
person.
versus

STATE OF NCT OF DELHI & ANR Respondent
Through Mr. Izhar Ahmad, APP for State with
SI Nipendra Kumar PS Madhu Vihar.
R2 in person.

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

% **19.02.2018**

CRL.M.A. 17446/2017

CRL.M.A. 17446/2017 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.A. 17445/2017

CRL.M.A. 17445/2017 is an application filed on behalf of the petitioner seeking condonation of delay of 138 days in re-filing the petition.

For the reasons explained in the application, the condonation of delay of 138 days in re-filing the petition is condoned.

The application is disposed of.

CRL.M.C. 4346/2017

Vide the present petition, the petitioner Amit Gupta @ Rinku Gupta seeks quashing of the FIR No. 660/2013, registered at PS Madhu Vihar,

CRL.M.C. 4346/2017

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under Sections 323/354B/354D/506/34 of the Indian Penal Code, 1860 registered on the complaint of the respondent no. 2 submitting *inter alia* to the effect that a settlement has been arrived at between the petitioner and the respondent no. 2.

At the outset, the spouse of the respondent no. 2 in reply to a specific Court query submits that the FIR in question be quashed.

The Investigating Officer of the case has identified the petitioner Amit Gupta @ Rinku Gupta as being the accused in relation to the FIR No. 660/2013, registered at PS Madhu Vihar, under Sections 323/354B/354D/506/34 of the Indian Penal Code, 1860. He has also identified the prosecutrix / respondent no. 2 present today in the court i.e. the complainant of the FIR No. 660/2013, registered at PS Madhu Vihar, under Sections 323/354B/354D/506/34 of the Indian Penal Code, 1860 and has also identified Mr. Vipin Gupta, the husband of the respondent no. 2. Photocopies of the proof of identity in the form of Aadhar cards of the petitioner and the respondent no. 2 are Ex. CW1/A to Ex. CW1/B respectively, originals of which have been seen and returned.

The respondent no. 2 on her examination by the Court on oath has testified to having sworn her affidavit as Ex.CW2/A annexed to the petition which she has signed voluntarily of her own accord without any duress or coercion from any quarter. She further submits that she does not want the petitioner to be punished and she has no opposition to the quashing of the FIR No. 660/2013, registered at PS Madhu Vihar, under Sections 323/354B/354D/506/34 of the Indian Penal Code, 1860 and all consequential proceedings emanating therefrom in view of the settlement

arrived at between the parties. She stated further that she has studied till standard 10th.

An averment is made on behalf of the State that the charge-sheet in the instant case is also filed *inter alia* u/s 451 of the Indian Penal Code, 1860 qua which it is stated by the respondent no. 2 in reply to the specific Court query that she has no opposition to the quashing of the FIR No. 660/2013, registered at PS Madhu Vihar, under Sections 451 of the Indian Penal Code, 1860 also in view of the settlement arrived at between the parties.

Learned APP for the State also in the circumstances of the case does not oppose the prayer made by the petitioners seeking quashing of the FIR No. 660/2013, registered at PS Madhu Vihar, under Sections 323/354B/354D/506/34 of the Indian Penal Code, 1860 and under Sections 451 of the Indian Penal Code, 1860 also in view of the settlement arrived at between the parties.

In view of the deposition of the respondent no. 2 and as there appears no reason to disbelieve the statement made by the respondent no. 2 that she has arrived at the settlement voluntarily of her own accord without any duress or coercion from any quarter, thus to maintain peace and harmony between the parties and for the well being of the respondent no. 2 in as much as the respondent no. 2 has submitted that she does not want the petitioner to be punished in relation to the said FIR and in view of the settlement arrived at between the petitioner and the respondent no. 2, it is apparent that the scope of conviction is now bleak and it is thus considered appropriate in the interest of justice that the prayer made by the petitioner seeking quashing of the FIR No.660/2013, registered at PS Madhu

Vihar, under Sections 323/354B/354D/506/34 of the Indian Penal Code, 1860 and all consequential proceedings emanating therefrom is allowed and thus the FIR No. 660/2013, registered at PS Madhu Vihar, under Sections 323/354B/354D/506/34 of the Indian Penal Code, 1860 the FIR No. 660/2013, registered at PS Madhu Vihar, under Sections 451 of the Indian Penal Code, 1860 also and all consequential proceedings emanating therefrom against the petitioner Amit Gupta @ Rinku Gupta are quashed.

The petition is disposed of.

ANU MALHOTRA, J

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CRL.M.C. 4346/2017

AMIT GUPTA @ RINKU GUPTA versus
STATE OF NCT OF DELHI & ANR

Statement of CW1 : SI Nipendra Kumar PS Madhu Vihar, Delhi.

ON S.A.

I identify the petitioner Amit Gupta @ Rinku Gupta as being the accused in relation to the FIR No. 660/2013, registered at PS Madhu Vihar, under Sections 323/354B/354D/506/34 of the Indian Penal Code, 1860. I also identify the prosecutrix / respondent no. 2 present today in the court i.e. the complainant of the FIR No. 660/2013, registered at PS Madhu Vihar, under Sections 323/354B/354D/506/34 of the Indian Penal Code, 1860. I also identify Mr. Vipin Gupta, husband of the respondent no. 2 also present today in the Court. Photocopies of the proof of identity in the form of Aadhar cards of the petitioner and the respondent no. 2 are Ex. CW1/A to Ex. CW1/B respectively (original seen and returned).

ANU MALHOTRA, J

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CRL.M.C. 4346/2017

AMIT GUPTA @ RINKU GUPTA versus
STATE OF NCT OF DELHI & ANR

Statement of CW2 : Ms. X w/o Mr. Vipin Gupta, aged 32 years r/o C-41/1, Gali No. 14, Madhu Vihar, Delhi and previously r/o A-62, Gali No. 4, Madhu Vihar, Delhi.

ON S.A.

My affidavit annexed to the petition bears my signature thereon at points-A and B on Ex.CW2/A, which I have signed voluntarily of my own accord without any duress or coercion from any quarter. I do not want that the petitioner to be punished and I have no opposition to the quashing of the FIR No. 660/2013, registered at PS Madhu Vihar, under Sections 323/354B/354D/506/34 of the Indian Penal Code, 1860 and all consequential proceedings emanating therefrom in view of the settlement arrived at between me and the petitioner. I have studied till standard 10th. I have made this statement voluntarily of my own accord without any duress or coercion from any quarter.

ANU MALHOTRA, J

RO & AC

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