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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 5064/2018**

AMAN ORAON

..... Petitioner

Through: Ms. Shalini Goswami, Adv.

Versus

STATE (NCT OF DELHI) & ORS

..... Respondents

Through: Mr. Rajat Katyal, APP for State with
SI Mamta, P.S. Dwarka North.

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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04.10.2018

It is submitted that respondent no.2 is mother of respondent no.3. Petitioner and respondent no. 3 are living in the same building but in different rooms. Respondent no. 3 was found missing from the home, accordingly, respondent no.2 lodged FIR No. 202/2017 under Section 363 IPC at police station Dwarka North. Respondent no. 3 was recovered from Ranchi, Jharkhand. She was in the company of petitioner. Accordingly, offence under Section 366 IPC was added in the charge-sheet. In her statement under Section 164 Cr.P.C., prosecutrix stated that she had gone with petitioner of her own and nothing wrong took place between them. It is further submitted that petitioner and respondent nos. 2 and 3 have settled the

matter amicably. It is noted that charges under Sections 363/366 IPC have been framed by the trial court on 19/03/2018.

Learned APP, on instructions of W/ASI Mamta of police station Dwarka North, confirms that Section 376 IPC has not been added in the FIR since no allegations of rape have been levelled by the respondent no.3.

It is further submitted that aforesaid FIR and the consequent proceedings emanating therefrom may be quashed in view of the settlement arrived at between the petitioner and respondent nos. 2 and 3. Respondent nos. 2 and 3 are present in Court and have been identified by W/ASI Mamta of police station Dwarka North. They submit that they have settled the matter with petitioner of their own free will and without any undue force, pressure or coercion. They have no objection in case the FIR and the consequent proceedings emanating therefrom are quashed.

Keeping in mind the settlement arrived at between the petitioner and respondent nos. 2 and 3 voluntarily, in my view, no fruitful purpose would be served to keep the criminal proceedings pending. Accordingly, in the interest of justice, aforesaid FIR and the consequent proceedings emanating therefrom are quashed.

Petition is disposed of in the above terms. Miscellaneous application

is disposed of as infructuous.

Dasti.

A.K. PATHAK, J.

OCTOBER 04, 2018

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