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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.M.C. 3632/2017
MANISH KUMAR Petitioner
Through: Mr. Shahid Ahmad Khan, Adv. along
with petitioner in person.
versus

NCT OF DELHI GOVT & ANR Respondents
Through: Mr. Amit Chadha, APP for State with
SI Pankaj Kumar, P.S. Kirti Nagar
and Insp. Keshav Mathur, P.S.
Rajouri Garden.
Ms. Sangita Bhayana, Adv. for R-2
along with R-2 in person.
None for R-3.

CORAM:
HON'BLE MR. JUSTICE A.K. PATHAK

ORDER
% **11.05.2018**

Matter has been passed over once. Even on second call no one appears for the respondent no.3-Sanjay Yadav.

Present FIR No. 78/2016 under Section 365 IPC was registered at police station Kirti Nagar on the complaint of respondent no.3-Sanjay Yadav. Respondent no. 3 alleged in the FIR that petitioner had forcibly taken his wife-respondent no. 2 with him.

Learned APP submits that petitioner and respondent no.2 were found together. They were quarrelling with each other. They were taken to the police station Kirti Nagar. Statement under Section 164 Cr.P.C. of

respondent no.2 was got recorded wherein she alleged that petitioner had outraged her modesty and beat her up. He also threatened her with dire consequences. After investigation charge-sheet was filed under Sections 365/354B/323/506 IPC. Trial Court has framed charges under Sections 354/354B/506/323/341 IPC against the petitioner on 9th May, 2016. No charge under Section 365 has been framed against the petitioner.

It is submitted that respondent no.2 and petitioner have settled their disputes amicably, therefore, aforesaid FIR and the consequent proceedings emanating therefrom maybe quashed. Respondent no.2 is present in Court and has been identified by SI Pankaj Kumar of police station Kirti Nagar. She submits that she has settled the matter with the petitioner of her own free will and without any undue force, pressure or coercion, therefore, she has no objection in case FIR and consequent proceedings emanating therefrom are quashed against the petitioner.

It is noted that affidavit of respondent no.2 is also on record (Annexure 'D'), wherein respondent no.2 has stated that her husband-respondent no. 3 inflicted mental and physical cruelty on her and demanded money from her. He used to torture her, therefore, she left his company. Petitioner is her friend. He had never kidnapped her nor

misbehaved with her in any manner, therefore, she has no objection in case FIR is quashed. She says that her husband forced her to make statement as contained in her statement under Section 164 Cr.P.C.

Respondent no. 3 is merely informant and is not a victim of any offence alleged in the charge sheet, that is, Sections 365/354/354B/506/341 IPC, inasmuch as, charge under Section 365 has not even been framed. Victim-respondent no. 2 has no grievance against the petitioner having settled the matter with him, inasmuch, as her case is she had made the statement against the petitioner at the behest of her husband.

Keeping in mind the facts and circumstances of this case, I am of the view that no fruitful purpose would be served in keeping the criminal proceedings pending more so when victim has no grievance against the petitioner. Accordingly, in the interest of justice, aforesaid FIR and the consequent proceedings emanating therefrom are quashed in view of the settlement.

Petition is disposed of in the above terms.

Dasti.

A.K. PATHAK, J.

MAY 11, 2018

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