

\$~53

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 4801/2017 & CRL.M.A. 19143/2017**

VIJAYA GOYAL Petitioner
Through: Mr. Arun K Sharma, Advocate.

versus

THE STATE & ANR RespondentS
Through: Mr. Raghuvinder Varma, APP for
State with SI Jitender Singh, PS
Subhash Place previously named as
PS Saraswati Vihar.
Mr. Sushant Kumar, Adv for R-2.

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER
% **23.02.2018**

Vide the present petition, the petitioner seeks quashing of the FIR No. 562/2005, PS Saraswati Vihar which is now named as PS Subhash Place under Sections 448 of the Indian Penal Code, 1860 contesting the averments made in the FIR on merits.

Pursuant to the notice of the petition having been issued to the respondent no. 2 being present today, it has now been submitted on behalf of the petitioner and on behalf of the respondent no. 2 that a settlement has been arrived at between the parties and that the respondent no. 2 does not seek the continuance of the proceedings in relation to the FIR in question.

CRL.M.C. 4801/2017

Page 1 of 3

The Investigating Officer of the present case is present today in the court and has identified the petitioner Ms. Vijaya Goyal as being

the sole accused arrayed in FIR No.562/2005, PS Saraswati Vihar which is now named as PS Subhash Place under Sections 448/380/411 of the Indian Penal Code, 1860 and he has also identified the respondent no. 2, Ms. Sharika Menon being the complainant of the said FIR present in the Court today. The proof of identity of the respondent no. 2 in the form of her driving licence and proof of identity of the petitioner in the form of her Aadhar Card have been produced in original, photocopies of the same are on the record as Ex. CW1/A and Ex. CW1/B respectively, originals of which have been seen and returned.

The respondent no. 2 on her examination on oath by the Court has testified to the effect that a settlement has been arrived at between her and the petitioner and that now she does not oppose the prayer made by the petitioner seeking quashing of the FIR No. 562/2005, PS Saraswati Vihar which is now named as PS Subhash Place in relation to which the charge-sheet is stated to have since been filed under Sections 448/380/411 of the Indian Penal Code, 1860.

The State, in the circumstances of the case does not oppose the prayer made by the petitioner seeking quashing of the FIR in view of the settlement arrived at between the parties.

In view of the testimony of the respondent no. 2 who testifies to the effect that she has done M.Phil in Psychology and works as a Psychologist and she is well educated and capable of understanding

the impact of her statement, there appears no reason to disbelieve her statement that she has arrived at a settlement with the petitioner

voluntarily of her own accord without any duress, coercion or pressure from any quarter.

In view thereof, the FIR No. 562/2005, PS Saraswati Vihar which is now named as PS Subhash Place registered under Sections 448 of the Indian Penal Code, 1860 and also in relation to Section 380 & 411 of the Indian Penal Code, 1860 qua which the charge-sheet has also been filed and thus in view thereof the FIR no. 562/2005, PS Saraswati Vihar which is now named as PS Subhash Place under Sections 448/380/411 of the Indian Penal Code, 1860 and all consequential proceedings emanating therefrom are thus quashed.

The petition is disposed of.

ANU MALHOTRA, J

FEBRUARY 23, 2018
NC

Item No. 53

CRL.M.C.4801/2017

VIJAYA GOYAL Vs. STATE & ANR.

**CW-1 SI JITENDER SINGH, POLICE STATION SUBHASH PLACE
PREVIOUSLY NAMED AS SARASWATI VIHAR.**

ON S.A.

I identify the petitioner Ms. Vijaya Goyal as being the sole accused arrayed in FIR No.562/2005, PS Saraswati Vihar which is now named as PS Subhash Place under Sections 448/380/411 of the Indian Penal Code, 1860 and I also identify the respondent no. 2, Ms. Sharika Menon being the complainant of the said FIR present in the Court today. The proof of identity of the respondent no. 2 in the form of her driving licence and proof of identity of the petitioner in the form of her Aadhar Card have been produced in original, photocopies of the same are on the record as Ex. CW1/A and Ex. CW1/B respectively. (Originals seen and returned).

**RO & AC
FEBRUARY 23, 2018.**

ANU MALHOTRA, J

Item No. 53

CRL.M.C.4801/2017

VIJAYA GOYAL Vs. STATE & ANR.

Statement of CW2 : Ms. Sharika Menon, w/o Shri Rajiv Jayant, aged 44 years, r/o 4/2165(5), Marapalam, Pattom Trivandrum- kerala.

ON S.A.

The FIR 562/2005, PS Saraswati Vihar was lodged on my complaint. The premises of the petitioner had been taken on rent by me at A-21, Lok Vihar Pitampura and certain articles had been stolen. The settlement has since been arrived at between me and the petitioner and I do not oppose the prayer made by the petitioner seeking quashing of the FIR No.562/2005, PS Saraswati Vihar which is now named as PS Subhash Place under Sections 448/380/411 of the Indian Penal Code, 1860 in relation to which the charge-sheet has since been filed under Section 448/380/411 and the charges are yet to be framed. I do not want the petitioner to be punished in relation thereof.

I have done M.Phil in Psychology and I am a Psychologist. I have made this statement voluntarily of my own accord without any duress, pressure or coercion from any quarter.

ANU MALHOTRA, J

RO & AC

FEBRUARY 23, 2018