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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CRL.M.C. 4977/2017

UJJAWAL CHADDA

..... Petitioner

Through Petitioner with counsel (appearance
not given)

versus

STATE & ANR

..... Respondent

Through Mr. Kamal Kr. Ghei, APP for State
with ASI Krishan Kumar, PS Mayur
Vihar.

R2 with counsel (appearance not
given)

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

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29.01.2018

Vide the present petition, the petitioner Ujjawal Chadda s/o Sh. Rakesh Kumar Chadda seeks quashing of the FIR No. 13/13, registered at PS Mayur Vihar, under Sections 354/509 of the Indian Penal Code, 1860.

The Investigating Officer of the case has identified the petitioner Ujjawal Chadda s/o Sh. Rakesh Kumar Chadda as being the only accused in relation to the FIR No. 13/13, registered at PS Mayur Vihar, under Sections 354/509 of the Indian Penal Code, 1860. He has also identified the respondent no. 2 Ms. Neha Suri d/o Sh. Alok Kumar Suri i.e. the complainant of the FIR No. 13/13, registered at PS Mayur Vihar, under Sections 354/509 of the Indian Penal Code, 1860 present today in the Court. Photocopies of the proof of identity of the petitioner and the respondent no. 2 are on the record, which are Ex.CW1/A and Ex.CW1/B respectively originals of which have been seen and returned.

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The respondent no. 2 Ms. Neha Suri i.e. the complainant of the said FIR is present today in the Court and has been examined by the Court and she has testified that her affidavit annexed to the petition bears her signatures thereon at points-A and B on Ex.CW2/A, which she has signed voluntarily of her own accord without any duress, pressure or coercion from any quarter. The respondent no. 2 has testified to the effect that in view of the understanding arrived at between her and the petitioner, she thus does not oppose the prayer made by the petitioner seeking quashing of the FIR No. 13/13, registered at PS Mayur Vihar, under Sections 354/509 of the Indian Penal Code, 1860 nor does she want the petitioner be punished in relation thereto. She has testified that she works work as a Physiotherapist.

Learned APP for the State also in the circumstances of the case does not oppose the prayer made by the petitioner seeking quashing of the FIR No. 13/13, registered at PS Mayur Vihar, under Sections 354/509 of the Indian Penal Code, 1860 in view of the settlement arrived at between the parties.

On a perusal of the statement made in the petition, the contents of which have been affirmed through the affidavit of the respondent no. 2 on the record and taking into account the factum that the respondent no. 2 is apparently educated to the extent that she is able to understand her deposition that is made by her, there appears no reason to disbelieve the said statement made by the respondent no. 2 that she has arrived at a settlement voluntarily of their own accord without any duress or coercion from any quarter and thus to maintain peace between the parties, it is thus considered appropriate in the interest of justice that the prayer made by

the petitioner seeking quashing of the FIR No. 13/13, registered at PS Mayur Vihar, under Sections 354/509 of the Indian Penal Code, 1860 and all consequential proceedings emanating therefrom is allowed and thus the FIR No. 13/13, registered at PS Mayur Vihar, under Sections 354/509 of the Indian Penal Code, 1860 and all consequential proceedings emanating therefrom against the petitioner Ujjawal Chadda s/o Sh. Rakesh Kumar Chadda are quashed.

The petition is disposed of.

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

ANU MALHOTRA, J

JANUARY 29, 2018/MK

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UJJAWAL CHADDA versus STATE & ANR

Statement of CW1 : ASI Krishan Kumar, PS Mayur Vihar, Delhi.

ON S.A.

I identify the petitioner Ujjawal Chadda s/o Sh. Rakesh Kumar Chadda as being the only accused in relation to the FIR No. 13/13, registered at PS Mayur Vihar, under Sections 354/509 of the Indian Penal Code, 1860. I also identify the respondent no. 2 Ms. Neha Suri d/o Sh. Alok Kumar Suri i.e. the complainant of the FIR No. 13/13, registered at PS Mayur Vihar, under Sections 354/509 of the Indian Penal Code, 1860 present today in the Court. Photocopies of the proof of identity of the petitioner and the respondent no. 2 are on the record, which are Ex.CW1/A and Ex.CW1/B respectively (originals of which have been seen and returned).

ANU MALHOTRA, J

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Statement of CW2 : Ms. Neha Suri d/o Sh. Alok Kumar Suri, aged 30 year r/o 3/4, 3rd Floor, West Patel Nagar, New 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, pressure or coercion from any quarter. In view of the understanding arrived at between me and the petitioner, I thus do not oppose the prayer made by the petitioner seeking quashing of the FIR No. 13/13, registered at PS Mayur Vihar, under Sections 354/509 of the Indian Penal Code, 1860 nor do I want the petitioner be punished in relation thereto. I work as a Physiotherapist. I have made this statement voluntarily of my own accord without any duress, pressure or coercion from any quarter.

ANU MALHOTRA, J

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