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

+ CRL.M.C. 4803/2017

MUNEEB

..... Petitioner

Through: Mr. Dhananjay Kumar Mishra,
Advocate along with petitioner.

versus

THE STATE GOVT OF NCT OF DELHI & ANR Respondents

Through: Mr. Raghuvinder Varma, APP for
State with SI Sunita, PS Darya Ganj.
Respondent no. 2 in person.

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

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30.01.2018

In terms of the proceedings dated 04.12.2017, the State has submitted the verification report submitted by the Investigating Officer, SI Sunita verifying the factum of the marriage between the petitioner and the respondent no. 2 having taken place on 17.12.2016 according to Islamic Rites at Masjid Beri Wali 5052, Darya Ganj, New Delhi-02, which is taken on record.

Vide the present petition, the petitioner seeks quashing of the FIR No.409/16, registered at PS Darya Ganj, under Sections 354(D)/506/509 of Indian Penal Code, 1860. The Investigating Officer of the instant case is present today in the Court and has identified the petitioner Muneeb, s/o Shri Zarrar as being the accused arrayed in the said FIR and has also identified the respondent no. 2 Ms. Wafa Naaz, d/o Shri Mohd. Aslam as being the complainant of the FIR in question present today in Court and has also

affirmed her report, i.e., Ex. CW1/A submitted today and the attested copy of the marriage certificate Ex. CW1/B indicating the factum of marriage between the petitioner and the respondent no. 2 on 17.12.2016. The respondent no. 2 in her deposition on oath on examination by the Court has testified to having duly sworn her affidavit Ex.CW2/A annexed with the petition voluntarily of her own accord and has also testified to the effect that she had married the petitioner on 17.12.2016 at the Masjid Beri Wali 5052, Darya Ganj, New Delhi. She has also testified to her signatures on the attested copy of the Nikahnama at point A on Ex. CW1/B. She has further testified that she has not married the petitioner under any pressure but has married with him of her own accord and she does not oppose the prayer made by the petitioner seeking quashing of the said FIR and she does not want him to be punished. She has stated that she studied upto Standard 10th and she is a house wife.

Learned APP for the State, in the circumstances of the case also, does not oppose the prayer made by the petitioner seeking quashing of the FIR in question.

In view of the statement made by the respondent no. 2 and the Investigating Officer of the case, it reflects that a settlement has been arrived at between the petitioner and the respondent no. 2. The respondent no. 2 has submitted that there are no problems between her and the petitioner and she is living with the petitioner and her mother-in-law.

In the interest of justice, for maintenance of peace and harmony between the petitioner and the respondent no. 2 and for the well being of the respondent no. 2 herself and taking the non-opposition of the State into account also, the FIR No.409/16, registered at PS Darya Ganj, under

Sections 354(D)/506/509 of Indian Penal Code, 1860 against the petitioner and all consequential proceedings emanating therefrom are thus quashed.

ANU MALHOTRA, J

JANUARY 30, 2018

Neha Chopra

CRL.M.C. 4803/2017

MUNEEB.

Vs. THE STATE GOVT OF NCT OF DELHI & ANR

Statement of CW1 : SI Sunita, PS Dariyaganj, New Delhi.

ON S.A.

I identify the petitioner Muneeb, s/o Shri Zarrar as being the accused arrayed in FIR No.409/16, registered at PS Darya Ganj, under Sections 354(D)/506/509 of Indian Penal Code, 1860 and I also identify the respondent no. 2 Ms. Wafa Naaz, d/o Shri Mohd. Aslam as being the complainant of the FIR in question present today in Court. The status report dated 30.01.2018 bears my signatures at point A on Ex. CW1/A and the attested copy of Nikahnama is issued from the Qazi Maulana Shabbir Ahamed, Masjid Beri Wali 5052, Darya Ganj, New Delhi-02 indicates to my report is Ex. CW1/B.

The petitioner and the respondent no. 2 have since married on 17.12.2016 according to Muslim Rites. The proofs of identity of the petitioner and the respondent no. 2 in the form of photocopies of their Aadhar Cards are on record as Ex. CW 1/C & Ex. CW 1/D respectively (Originals seen and returned).

ANU MALHOTRA, J

RO & AC

JANUARY 30, 2018

CRL.M.C. 4803/2017

MUNEEB.

Vs. THE STATE GOVT OF NCT OF DELHI & ANR

Statement of CW2 : Ms. Wafa Naaz, d/o Shri Mohd. Aslam, aged 22 years r/o House no. 490, Gali Matia Mahal, Jama Masjid, Delhi.

ON S.A.

I have studied up to standard 10th. I am a house wife. I have come to this Court to take back my case i.e. my complaint registered as an FIR against the petitioner Muneeb, s/o Shri Zarrar present today in Court at PS Darya Ganj, under Sections 354(D)/506/509 of Indian Penal Code, 1860. My affidavit annexed to the petition bears my signatures at points A and B on Ex. CW2/A and I have signed it voluntarily of my own accord without any duress or coercion from any quarter and the attested copy of the Nikahnama bears my signatures thereof at point A on Ex. CW2/B.

I married the petitioner without any pressure of my own accord and in view thereof, I do not oppose the prayer made by the petitioner seeking quashing of the FIR no. 409/16, registered at PS Darya Ganj, under Sections 354(D)/506/509 of Indian Penal Code, 1860 and I also do not want him to be punished in relation thereto.

I have made this statement voluntarily of my own accord without any duress or coercion from any quarter.

ANU MALHOTRA, J

RO & AC

JANUARY 30, 2018