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

+ CRL.M.C. 4943/2017

MANISH

..... Petitioner

Through: Mr. Mansoor Ansari, Adv.

versus

THE STATE GOVT OF NCT OF DELHI & ANR..... Respondent

Through: Mr. Izhar Ahmad, APP for State with
ASI Kishan Pal, PS Amar Colony.
R-2 in person

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

22.01.2018

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Vide the present petition, the petitioner seeks quashing of FIR No.67/2017, registered at PS Amar Colony, under Sections 354/451/506 Indian Penal Code, 1860 and all consequential proceedings emanating therefrom submitting to the effect that there is a settlement arrived at between the petitioner and the respondent no.2 on 24.08.2017 at Delhi Mediation Centre, Saket Courts, New Delhi

The Investigating Officer of the case present today in Court has identified petitioner no. 1 Shri Manish, s/o Shri Raj Kumar as being the sole accused arrayed in FIR No.67/2017, registered at PS Amar Colony, under Sections 354/451/506 Indian Penal Code, 1860 and had also identified the respondent no. 2 as being the complainant of the FIR in question present today in Court. The proofs of identity of the petitioner no. 1 and of the respondent no.2 in the form of photocopies of their Aadhar Cards are on record as Ex. CW 1/A & Ex. CW 1/B respectively (originals seen and

returned).

Learned APP for the State submits that in view of the averments made in the petition and the mediation settlement dated 24.08.2017 on the record, there is no opposition on behalf of the State to the prayer made by the petitioner seeking quashing of the FIR in question.

The respondent no.2, the complainant of the said FIR in her examination on oath by the Court, accompanied by her brother, has testified to the effect that she does not oppose the prayer made by the petitioner seeking quashing of the FIR in question submitting *inter alia* to the effect that the petitioner has since tendered an apology to her during the course of mediation proceedings on 24.08.2017 at the Delhi Mediation Centre, Saket Courts, New Delhi and the respondent no.2 has affirmed having sworn her affidavit annexed to the petition as Ex.CW2/A and has further testified to the effect that she has also signed the mediation settlement dated 24.08.2017 voluntarily of my own accord without any duress or coercion from any quarter

In view of the statement made by the respondent no.2, there is no reason to disbelieve her statement that she has arrived at the settlement voluntarily of her own accord without any duress, coercion or pressure from any quarter.

Taking into account the statement made by the respondent no.2 and the mediation settlement dated 24.08.2017 arrived at between the petitioner and the respondent no.2 copy of which is on the record as Ex. CW2/B and the apology tendered by the petitioner as stated by the respondent no.2 and also taking into account the non-opposition on behalf of the State, 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, it is considered appropriate to allow the prayer made by the petitioner seeking quashing of FIR No.67/2017, registered at PS Amar Colony, under Sections 354/451/506 Indian Penal Code, 1860 and all the consequential proceedings emanating therefrom against the petitioner, in view thereof the FIR No.67/2017, registered at PS Amar Colony, under Sections 354/451/506 Indian Penal Code, 1860 and all the consequential proceedings emanating therefrom against the petitioners are quashed.

The petition is disposed of.

ANU MALHOTRA, J

JANUARY 22, 2018

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CRL.M.C. 4943/2017

MANISH

Vs. THE STATE GOVT OF NCT OF DELHI & ANR

Statement of CW1 : ASI Kishan Pal, PS Amar Colony, Delhi.

ON S.A.

I identify the petitioner no. 1 Shri Manish, s/o Shri Raj Kumar as being the sole accused arrayed in FIR No.67/2017, registered at PS Amar Colony, under Sections 354/451/506 Indian Penal Code, 1860 and I also identify the respondent no. 2 Ms. X, d/o Shri Ram Dass as being the complainant of the FIR in question present today in Court. The proofs of identity of the petitioner no. 1 and of the respondent no.2 in the form of photocopies of their Aadhar Cards are on record as Ex. CW 1/A & Ex. CW 1/B respectively (originals seen and returned)

ANU MALHOTRA, J

RO & AC

JANUARY 22, 2018

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CRL.M.C. 4943/2017

MANISH

Vs. THE STATE GOVT OF NCT OF DELHI & ANR

**Statement of CW2 : Smt. X, d/o Shri Ram Dass, aged 19 years r/o 53/10,
Gandhi Camp, Shriniwas Puri, Okhla Mandi, New Delhi.**

ON S.A.

I have studied up to standard 10th. I have come to this Court to take back my case i.e. my complaint registered as an FIR against Shri Manish, the petitioner present today in Court at Police Station Amar Colony under Sections 354/451/506 Indian Penal Code, 1860. I am accompanied by my brother. I cannot read English but I sign in English and I have understood the contents of my affidavit attested on 21.11.2017 annexed to the petition bears my signature thereon at points-A and B on Ex.CW2/A and the mediation settlement dated 24.08.2017 also bears my signature thereon on each page thereof at point-A on Ex.CW2/B, I have signed both these documents voluntarily of my own accord without any duress or coercion from any quarter.

I do not not oppose the prayer made by the petitioner seeking quashing of FIR No.67/2017, registered at PS Amar Colony, under Sections 354/451/506 Indian Penal Code, 1860 in view of the apology tendered to me by the petitioner on 24.08.2017 during the course of mediation proceedings at the Delhi Mediation Centre, Saket Courts, New Delhi. I do not want the petitioner to be punished in relation thereto.

I have made this statement voluntarily of my own accord without any

duress or coercion from any quarter.

RO & AC
JANUARY 22, 2018

ANU MALHOTRA, J