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

+ **CRL.M.C. 5151/2019 & CRL.M.A. 37902-37903/2019**

KSHITIZ ARORA

..... Petitioner

Through: Petitioner in person with Mr. Manoj
Kumar, Advocate.

versus

THE STATE (GOVT. OF NCT OF DELHI) & ANR

..... Respondents

Through: Mr. Kamal Kumar Ghei, APP for
State with SI Rakesh, PS Jagatpuri.

R-2 in person with Ms. Shakuntla,
Advocate.

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

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06.02.2020

CRL.M.C. 5151/2019

Vide the present petition, the petitioner seeks the quashing of the FIR No.115/2016, PS Jagatpuri under Sections 384/506 of the Indian Penal Code, 1860 submitting to the effect that a settlement has been arrived at between the parties and no useful purpose would be served by the continuation of the proceedings in relation to the present FIR.

In reply to a specific Court query, it has been submitted by the learned counsel for the petitioner that the averments made in paragraph 8 of the petition which read to the effect:-

“8. That as per the settlement, the petitioner shall pay a sum of Rs.50,000/- to the respondent no.2 as full & final settlement towards past, present & future maintenance, permanent alimony etc. at the time quashing of the FIR No.115,2016 before this Hon’ble High Court.”

which mention the payment of the sum of Rs.50,000/- towards past, present and future maintenance, permanent alimony etc., is a typographical error.

The Investigating Officer of the case is present and has identified the petitioner as being the accused arrayed in the FIR No.115/2016, PS Jagatpuri under Sections 384/506 of the Indian Penal Code, 1860 and he has also identified the respondent no.2 Ms. Sakshi Sharma as being the complainant of the said FIR.

The respondent no.2 in her examination on oath has affirmed having signed her affidavit in support of the averments made in the petition at points A & B on Ex.CW2/A as well as the settlement agreement dated 27.09.2019 as visible at point A on Ex.CW2/C, qua which she states that she has signed these documents voluntarily of her own accord without any duress, coercion or pressure from any quarter.

On behalf of the State, there is no opposition to the prayer made by the petitioner seeking the quashing of the FIR in question submitting to the effect that both the petitioner and the respondent no.2 are of young ages and no useful purpose would be served by the continuation of the proceedings in relation to the present FIR.

Apparently, the FIR on a perusal thereof indicates that the dispute has arisen out of a monetary transaction and the copy of the proceedings dated 25.04.2016 on the record in Bail Appl. No.42833/2016 before the Sessions Court indicates that the said settlement had been arrived at during the course of the said proceedings itself when the respondent no.2 had stated that she had no objection to the grant of bail to the petitioner with it having been submitted that she has settled all disputes in lieu of sum of Rs.50,000/-

towards full and final settlement of her claims against the petitioner which she has received in Court on 25.04.2016 during the course of the said bail proceedings.

The respondent no.2 is apparently well educated having done her B.Sc., B.Ed., there being no reason to disbelieve her statement that she has arrived at a settlement with the petitioner voluntarily of her own accord, in view of the deposition of the respondent no.2 and the non opposition on behalf of the State, for maintenance of peace and harmony between the parties, it is considered appropriate to put a quietus to the litigation between the parties in relation to the FIR in question and in view thereof, the FIR No.115/2016, PS Jagatpuri under Sections 384/506 of the Indian Penal Code, 1860 and all consequential proceedings emanating therefrom against the petitioner are thus quashed.

The petition is disposed of.

ANU MALHOTRA, J

FEBRUARY 06, 2020

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IN THE HIGH COURT OF DELHI: NEW DELHI

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CRL.M.C. 5151/2019

KSHITIZ ARORA VS. STATE & ANR.

06.02.2020

CW-1 SI Rakesh, PS Jagatpuri.

ON S.A.

I identify the petitioner as being the accused arrayed in the FIR No.115/2016, PS Jagatpuri under Sections 384/506 of the Indian Penal Code, 1860 and I also identify the respondent no.2 Ms. Sakshi Sharma as being the complainant of the said FIR.

RO & AC

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ANU MALHOTRA, J

IN THE HIGH COURT OF DELHI: NEW DELHI

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CRL.M.C. 5151/2019

KSHITIZ ARORA VS. STATE & ANR.

06.02.2020

**CW-2 Ms. Sakshi Sharma, d/o Sh. Suresh Chand Sharma, age 28 years,
r/o F-66, Jagatpuri, Parwana Road, Delhi.**

ON S.A.

My affidavit in support of the averments made in the petition bears my signatures at points A & B on Ex.CW2/A. The settlement agreement dated 27.09.2019 also bears my signatures as visible at point A on Ex.CW2/C, I have signed these documents voluntarily of my own accord without any duress, coercion or pressure from any quarter. The dispute was in relation to money that the petitioner had taken from me which he wanted and on the settlement between me and the petitioner, a sum of Rs.50,000/- was paid to me by the petitioner which I have received from the petitioner.

In view of the settlement arrived at between me and the petitioner vide a settlement agreement dated 27.09.2019, I do not oppose the prayer made by the petitioner seeking the quashing of the FIR No.115/2016, PS Jagatpuri under Sections 384/506 of the Indian Penal Code, 1860 nor do I want the petitioners to be punished in relation thereto.

I have done my B.Sc., B.Ed. and I am a teacher.

I have made my statement after understanding the implications thereof, voluntarily of my own accord without any duress, coercion or pressure from any quarter.

**RO & AC
06.02.2020**

ANU MALHOTRA, J