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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 745/2020**

SUNIL KUMAR & ANR Petitioners
Through: Mr. Braham Singh, Advocate

versus

THE STATE & ANR Respondents
Through: Mr.Ashok Kumar Garg, APP for State
with SI Vijay Kumar, PS Prashant
Vihar
Respondent No.2 in person.

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER
% **11.02.2020**
CrI.M.A. No. 3067/2020

Exemption allowed, subject to just exceptions.

CrI.M.C. No. 745/2020

The petitioners vide the present petition seek quashing of FIR No. 1260/15, PS Prashant Vihar, registered under Sections 323/506/509 of the Indian Penal Code, 1860, submitting to the effect that a settlement has been arrived at between the parties vide a Memorandum of Understanding dated 13.1.2020 and that the petitioners No.1 and 2 are the real brothers of sister-in-law (Devrani) of the respondent No.2 and that it being a family matter with no problems now *inter se* between the petitioners and the respondent No.2, no useful purpose would be served by the continuation of the

proceedings in relation to the FIR in question.

The Investigating Officer has identified the petitioners as being the accused arrayed in FIR No. 1260/15, PS Prashant Vihar, registered under Sections 323/506/509 of the Indian Penal Code present in the Court today and has also identified the respondent No.2 as being the complainant of the said FIR.

There is no opposition on behalf of the State in view of the settlement arrived at between the parties.

The respondent No.2 in her examination on oath by the Court testified to the effect that she has sworn her affidavit Ex.CW-2/B and has signed the Memorandum of Understanding EX.CW-2/C voluntarily of her own accord without any duress, pressure or coercion from any quarter. The respondent No.2 further stated that she does not want the proceedings to continue any more now in relation to the FIR in question, it being a family matter and there being no problems now for the last five years.

The respondent No.2 is a graduate and states that she has understood the implications of the statement made by her, there is no reason to disbelieve the statement made by the respondent No.2 that she has arrived at a settlement with the petitioners No.1 and 2 voluntarily of her own accord without any duress, pressure or coercion from any quarter in as much as the petitioners and the respondent No.2 are related and taking into account the deposition of the respondent No.2 for maintenance of peace and harmony between them, it is considered appropriate to put a quietus to the litigation between them. The FIR No. 1260/15, PS Prashant Vihar, registered

under Sections 323/506/509 of the Indian Penal Code, 1860 and all proceedings emanating therefrom are thus quashed.

The petition is disposed of.

ANU MALHOTRA, J

FEBRUARY 11, 2020/sv

Item No. 74

CrI.M.C. No. 745/2020

SUNIL KUMAR & ANR. V. THE STATE & ANR.

CW-1 SI VIJAY KUMAR, PS PRASHANT VIHAR.

I identify the petitioners No.1 and 2, namely, Sunil Kumar and Naresh Kumar as being the accused arrayed in FIR No. 1260/15, PS Prashant Vihar, registered under Sections 323/506/509 of the Indian Penal Code present in the Court today. I also identify the respondent No.2 as being the complainant of the said FIR.

ANU MALHOTRA,J

RO & AC

11.02.2020.

Item No. 74

CrI.M.C. No. 745/2020

SUNIL KUMAR & ANR. V. THE STATE & ANR.

**CW-2 MS.PRERNA, W/O LATE RAJESH KUMAR, AGED 35 YEARS
R/O B-3/8, SECTOR-11, ROHINI, DELHI.**

ON S.A.

I have brought my original proof of identity, i.e., Aadhar Card. The photocopy of the same is EX.CW-2/A.

My affidavit in support of the averments made in the petition bears my signatures thereon at points A & B on EX.CW-2/B. The Memorandum of Understanding arrived at between me and the petitioners dated 13.1.2020 bears my signatures as visible thereon at point A on EX.CW-2/C. I have signed these documents voluntarily of my own accord without any duress, pressure or coercion from any quarter. The petitioners No.1 and 2 are the brothers of my sister-in-law (Devrani). In as much as it is a family matter and my husband has also since expired thus I do not want to continue with proceedings in relation to the FIR against the petitioners No.1 and 2 and also there have been no problems between me and the petitioners No.1 and 2 after the registration of the FIR which was registered about five years ago. Thus I do not oppose the prayer made by the petitioners seeking quashing of the FIR No. 1260/15, PS Prashant Vihar, registered under Sections 323/506/509 of the Indian Penal Code.

I am a graduate and a housewife. I have understood the implications of the statement made by me. I have so stated voluntarily of my own accord without any duress, pressure or coercion from any quarter.

ANU MALHOTRA,J

RO & AC/11.02.2020.