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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 979/2020**

NITESH @ RAJA Petitioner
Through: Mr.Saket Kumar, Advocate

versus

THE STATE & ANR Respondent
Through: Mr. Sanjeev Sabharwal, APP for State
With ASI Madhav, PS Bhalswa Dairy

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER
% **24.02.2020**
Crl.M.A. No. 3984/2020

Exemption allowed, subject to just exceptions.

Crl.M.C. No. 979/2020

The petitioner vide the present petition seeks quashing of FIR No. 524/15 PS Bhalswa Dairy, registered under Sections 354A/354D of the Indian Penal Code, 1860 submitting to the effect that a settlement has been arrived at between the parties vide a settlement deed dated 28.1.2020.

The Investigating Officer of the case is present and has identified the petitioner, namely, Nitesh @ Raja as being the accused arrayed in FIR in question present in the Court today and has also identified the respondent No.2 as being the complainant of the said FIR.

The respondent No.2 on examination on oath by the Court has

affirmed having signed her affidavit in support of the averments made in the petition Ex.CW-2/B and the settlement document arrived at between her and the petitioner Ex.CW-2/C voluntarily of her own accord without any duress, pressure or coercion from any quarter and states that she does not oppose the prayer made by the petitioner seeking quashing of the FIR No. 524/15 PS Bhalswa Dairy, registered under Sections 354A/354D of the Indian Penal Code, 1860 nor does she want the petitioner to be punished in relation thereto in as much as the petitioner has apologized to her. Her statement under Section 164 of the Cr.P.C., dated 13.8.2015 is categorical in relation to the absence of any averment in relation to the alleged commission of the offence punishable under Section 354A of the Indian Penal Code, 1860 copy of which is placed on record as Annexure P-3, EX.CW-2/D. The respondent No.2 further states that she has understood the implications of the statement made by her and that she has so stated voluntarily of her own accord without any duress, pressure or coercion 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 in view of the settlement arrived at between the parties and the deposition of the respondent No.2.

There appears no reason to disbelieve the statement made by the respondent no.2 that she has arrived at a settlement with the petitioner voluntarily of her own accord without any duress, pressure or coercion from any quarter. In view of the statement made by the respondent no.2 and the non-opposition on behalf of the State, it is

considered appropriate to put a quietus to the litigation for maintenance of peace and harmony between them, the FIR No. 524/15 PS Bhalswa Dairy, registered under Sections 354A/354D of the Indian Penal Code, 1860, and all proceedings emanating therefrom against the petitioner are thus quashed.

The petition is disposed of.

ANU MALHOTRA, J

FEBRUARY 24, 2020/sv

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NITESH @ RAJA V. THE STATE AND ANR.

CW-1 ASI MADHAV PS BHALSWA DAIRY
ON S.A.

I identify the petitioner, namely, Nitesh @ Raja as being the accused arrayed in FIR No. 524/15 PS Bhalswa Dairy, registered under Sections 354A/354D of the Indian Penal Code, 1860, 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
24.2.2020.

Item No. 70

CRL.M.C. No.979/2020

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CW-2 SHAHZADI D/O MOHD. ALAM, AGED 23 YEARS, R/O C-5/379,
J.J.COLONY BHALSWA DIARY
ON S.A.

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

My affidavit in support of the averments made in the petition bears my signatures at points A and B thereon on Ex.CW-2/B. The settlement arrived at between me and the petitioner 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 statement under Section 164 of the Cr.P.C., copy thereof is annexed at P-3 of the petition bears my signatures at point A on Ex. CW-2/D. The petitioner has since apologized to me and thus I do not oppose the prayer made by the petitioner seeking quashing of the FIR No. FIR No. 524/15 PS Bhalswa Dairy, registered under Sections 354A/354D of the Indian Penal Code, 1860 nor do I want the petitioner to be punished in relation thereto.

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

ANU MALHOTRA, J.

RO & AC
24.2.2020.