

\$~78

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 1035/2020 & CRL.M.A. 4538-4539/2020**

VINAY PRATAP SINGH

..... Petitioner

Through: Petitioner in person with Mr. Tulsi
Rane, Advocate.

versus

THE STATE & ANR

..... Respondents

Through: Mr. Ashok Kumar Garg, APP for
State.
R-2 in person with Mr. Neeraj,
Advocate for R-2.

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA
ORDER
% **28.02.2020**

CRL.M.A. 4539/2020 (Ex.)

Exemption allowed subject to all just exceptions.

The application stands disposed of.

CRL.M.A. 4538/2020 in CRL.M.C. 1035/2020

The matter is already fixed for the date 21.04.2020 and is taken up on CRL.M.A. 4538/2020 filed on behalf of the petitioner seeking an early hearing submitting *inter alia* to the effect that the petitioner has to return to resume his duties at Dubai and has a confirmed ticket for today and in the event of the application not being taken up for

consideration, it would cause great prejudice to the applicant. In view of the submissions made on behalf of the petitioner, the application is taken up for consideration.

Vide proceedings dated 25.02.2020 in relation to the petition filed by the petitioner seeking the quashing of the FIR No.429/2014, PS Saket registered under Section 354D of the Indian Penal Code, 1860 on the basis of a stated settlement arrived at between the parties i.e. the petitioner and the respondent no.2 herein in November 2019, the State was directed to place on record the copy of the statement under Section 164 of the Cr.P.C., 1973 and pursuant thereto, along with this application, the petitioner has placed on record the copy of the proceedings under Section 164 of the Cr.P.C., 1973 dated 23.06.2014 as recorded before the second Link MM-02, Saket Court, Delhi in relation to FIR No.429/2014, PS Saket registered under Section 354D of the Indian Penal Code, 1860.

A perusal thereof indicates categorically therein that the respondent no.2/ complainant who has produced her original proof of identity today in Court has categorically stated therein on 23.06.2014 that the FIR had been got registered by her in a fit of anger.

The respondent no.2 in her deposition on oath by the Court has affirmed having sworn her affidavit Ex.CW2/B, the Memorandum of Understanding dated 07.02.2020 at point A on Ex.CW2/C as well as the copy of her statement under Section 164 of the Cr.P.C., 1973 dated 23.06.2014 made before the second Link MM at point A on Ex.CW2/D, qua which she states that she has signed these documents

voluntarily of her own accord without any duress, coercion or pressure from any quarter. She has further testified to the effect that the FIR was got registered on the basis of a misunderstanding and that she has since married after 23.06.2014 to one Mr. Nishant and has further stated that in view of the settlement arrived at between her and the petitioner, she does not oppose the prayer made by the petitioners seeking the quashing of the FIR No.429/2014, PS Saket registered under Section 354D of the Indian Penal Code, 1860 nor does she want him to be punished in relation thereto.

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.

The respondent no.2 is apparently well educated having done her Masters in Architecture and is an Architect and states she has understood the implications of the statement made by her. There appears no reason to disbelieve the statement of the respondent no.2 that she has arrived at a settlement with the petitioner voluntarily of her own accord without any duress, coercion or pressure from any quarter, in the circumstances, 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.

In view of the settlement arrived at between the parties, deposition of the respondent no.2 and the non opposition on behalf of the State, the FIR No.429/2014, PS Saket registered under Section 354D of the Indian Penal Code, 1860 and all consequential

proceedings emanating therefrom against the petitioner Vinay Pratap Singh are thus quashed.

CRL.M.A. 4538/2020 is disposed of and the date 21.04.2020 stands cancelled.

The petition is disposed of accordingly.

ANU MALHOTRA, J

FEBRUARY 28, 2020
'neha chopra'

IN THE HIGH COURT OF DELHI: NEW DELHI

78

CRL.M.C. 1035/2020

VINAY PRATAP SINGH VS. THE STATE & ANR.

28.02.2020

CW-2 Ms. Yashoda, d/o Sh. Girender Singh, age 30 years, r/o Durga Nagar, Nurihai Narayach, Agra, U.P.

ON S.A.

I have brought my original proof of identity, photocopy of which is on the record as Ex.CW2/A.

My affidavit in support of the averments made in the petition bears my signatures at points A & B on Ex.CW2/B. The Memorandum of Understanding dated 07.02.2020 also bears my signatures as visible at point A on Ex.CW2/C and the copy of my statement under Section 164 of the Cr.P.C., 1973 dated 23.06.2014 made before the second Link MM also bears my signatures as visible at point A on Ex.CW2/D, I have signed these documents voluntarily of my own accord without any duress, coercion or pressure from any quarter.

The FIR was registered on the basis of a misunderstanding. I have since married after 23.06.2014 to Mr. Nishant. In view of the settlement arrived at between me and the petitioner, I do not oppose the prayer made by the petitioners seeking the quashing of the FIR No.429/2014, PS Saket registered under Section 354D of the Indian Penal Code, 1860 nor do I want him to be punished in relation thereto.

I have done Masters in Architecture and I am a Architect.

I have made my statement after understanding the implications

thereof, voluntarily of my own accord without any duress, coercion or pressured from any quarter.

RO & AC
28.02.2020

ANU MALHOTRA, J