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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CRL.M.C. 2328/2019 & CRL.M.A. 9281/2019

SHRI SHYAM SUNDER

..... Petitioner

Through: Petitioner in person with Mr. Abhay
Kumar & Mr. Aslam Pravez,
Advocates.

versus

STATE & ANR

..... Respondents

Through: Ms. Meenakshi Dahiya, APP for State
with SI Amrit Kumar, PS Inder Puri.

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

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09.01.2020

Vide the present petition, the petitioner seeks the quashing of the FIR No.84/2011, PS Inderpuri registered under Section 324/34 of the Indian Penal Code, 1860 submitting to the effect that all the disputes between the petitioner and the respondent no.2 have since been resolved and no useful purpose would be served by the continuation of the proceedings in relation to the present FIR.

The Investigating Officer of the case is present and has identified the petitioner Shri Shyam Sunder as being one of the accused arrayed in the FIR No.84/2011, PS Inder Puri registered under Section 324/34 of the Indian Penal Code, 1860 and has also identified the respondent no.2 Ms.Karuna Devi as being the complainant of the said FIR. He has further stated that the other co-

accused namely Akesh and Asha Devi have already been discharged by the learned Trial Court as also borne out through the Mediation Settlement dated 28.02.2019, copy of which is on the record as Ex.CW2/C.

The respondent no.2 has produced her original proof of identity, photocopy of which is on the record as Ex.CW2/A. The respondent no.2 in her examination on oath by the Court has affirmed having signed her affidavit Ex.CW2/B as well as the settlement dated 28.02.2019 , which has been arrived at between her and the petitioner at the Delhi Mediation Centre, PHC, New Delhi as visible at point A on Ex.CW2/C, which she has stated 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 petitioner is her brother-in-law i.e. the elder brother of her spouse who has since apologized to her and that she has entered into the settlement with the petitioner in terms of the settlement dated 28.02.2019 voluntarily of her own accord.

In reply to a specific Court query, the respondent no.2 has stated that she has studied till Standard X and has understood the implications of the statement made by her and that she has made her statement voluntarily of her own accord without any duress, coercion or pressure from any quarter 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 petitioner seeking the quashing of the FIR No.84/2011, PS Inderpuri registered under Section 324/34 of the

Indian Penal Code, 1860 nor does she want the petitioner 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.

In as much as, the petitioner and the respondent no.2 apparently belong to the same family and the matter has been settled between them amicably, for maintenance of peace and harmony between the parties, it is considered appropriate to put a quietus to the litigation between the parties.

In view thereof, the FIR No.84/2011, PS Inderpuri registered under Section 324/34 of the Indian Penal Code, 1860 and all consequential proceedings emanating therefrom against the petitioner are thus quashed.

The petition is disposed of accordingly.

ANU MALHOTRA, J

JANUARY 09, 2020
'Neha Chopra'

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CW-1 ASI Amrit Kumar, PS Inder Puri.

ON S.A.

I identify the petitioner Shri Shyam Sunder as being one of the accused arrayed in the FIR No.84/2011, PS Inderpuri registered under Section 324/34 of the Indian Penal Code, 1860. The other co-accused namely Akesh and Asha Devi have already been discharged by the learned Trial Court.

I also identify the respondent no.2 Ms.Karuna Devi as being the complainant of the said FIR.

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CW-2 Ms.Karuna Devi, w/o Sh. Rakesh Nagar, age 38 years, r/o WZ-51 Dashghara Village, Inder Puri, New Delhi and previously r/o WZ-83, Dashghara Village, Inder Puri, New Delhi.

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 annexed to the petition bears my signatures at points A & B on Ex.CW2/B.

A settlement dated 28.02.2019 arrived at between me and the petitioner at the Delhi Mediation Centre, PHC, New Delhi 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 petitioner is my brother-in-law i.e. the elder brother of my spouse who has since apologize to me and I have entered into the settlement with the petitioner in terms of the settlement dated 28.02.2019 voluntarily.

I have studied till Standard X and I work as a cook.

I thus, do not oppose the prayer made by the petitioner seeking the quashing of the FIR No.84/2011, PS Inderpuri registered under Section 324/34 of the Indian Penal Code, 1860 nor do I want the petitioner to be punished in relation thereto.

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
09.01.2020

ANU MALHOTRA, J.