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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 3947/2019**
ANWAR KHAN Petitioner
Through: Mohd. Babar, Adv.

versus

STATE & ANR. Respondents
Through: Mr. Sanjeev Sabharwal, APP for State
with SI Rohit, PS Jamia Nagar.
Counsel for R-2 with R-2.

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER
% **22.01.2020**

Vide the present petition, the petitioner seeks quashing of the FIR No.221/2011, PS Jamia Nagar registered under Sections 323/324/341/34 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 FIR in question.

The Investigating Officer of the case has identified the petitioner present today in Court as being the accused arrayed in the FIR in question and has also identified the respondent no.2 present in Court today as being the complainant of the said FIR and stated that the two other persons named in the FIR named Amir and Zahir could not be traced out and the charge sheet was filed only against the present petitioner.

The respondent no.2 has produced her original Aadhar Card,

copy 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 annexed to the petition Ex.CW2/B and the mediation settlement dated 19.02.2018 arrived at the Mediation Centre, Saket Courts Ex.CW2/C voluntarily of her own accord without any duress, coercion or pressure from any quarter.

She has further stated that in terms of the settlement between her and the petitioner who has since apologized to her, which is also borne out through clause 2 of the mediation settlement Ex.CW2/C, in view thereof, she has no opposition to the prayer made by the petitioner seeking quashing of the FIR No.221/2011, PS Jamia Nagar registered under Sections 323/324/341/34 of the Indian Penal Code, 1860 nor does she want the petitioner to be punished in relation thereto and that the petitioner is also living in the same area of Batla House where she lives. She has further stated that she has studied upto standard 8th and that she has made her statement after understanding its implications.

On behalf of the State, there is no opposition to the prayer made by the petitioners 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.

In the circumstances, for maintenance of peace and harmony between the petitioner and the respondent no.2 who are neighbours and as there appears no reason to disbelieve the statement of the respondent no.2 that she has arrived at a settlement with the petitioner voluntarily, it is considered appropriate to put a quietus to the

litigation and disputes between the parties for maintenance of peace and harmony between them qua the FIR No.221/2011, PS Jamia Nagar registered under Sections 323/324/341/34 of the Indian Penal Code, 1860 against the petitioner, which is thus quashed.

The petition is disposed of.

ANU MALHOTRA, J

JANUARY 22, 2020

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IN THE HIGH COURT OF DELHI: NEW DELHI

21

CRL.M.C. 3947/2019

ANWAR KHAN Vs. STATE & ANR

22.01.2020

CW-1 SI Rohit, PS Jamia Nagar.

ON S.A.

I identify the petitioner Mr. Anwar Khan as being the accused arrayed in the FIR No.221/2011, PS Jamia Nagar registered under Sections 323/324/341/34 of the Indian Penal Code, 1860. I identify the respondent no.2 Ms. Samsheda Begum as being the complainant of the said FIR. The two other persons named in the FIR named Amir and Zahir were not traced out and the charge sheet was filed only against the present petitioner.

RO & AC

22.01.2020

ANU MALHOTRA, J

IN THE HIGH COURT OF DELHI: NEW DELHI

21

CRL.M.C. 3947/2019

ANWAR KHAN Vs. STATE & ANR

22.01.2020

CW-2 Mrs. Samsheda Bugum, w/o Mohd. Saleem, aged 39 years, r/o M-98/4, Gali No.10, Batla House, Jamia Nagar, Okhla, New Delhi.

I have brought my original Aadhar Card, copy of which is on the record as Ex.CW2/A (original seen and returned). My affidavit in response to the petition bears my signatures thereon at points A & B thereon on Ex.CW2/B and the mediation settlement dated 19.02.2018 between me and the petitioner no.1 bears my signatures thereon as visible at point A thereon on Ex.CW2/C. I have signed all these documents voluntarily of my own accord without any duress, coercion or pressure from any quarter.

In terms of the settlement between me and the petitioner who has since apologized to me, I have no opposition to the prayer made by the petitioner seeking quashing of the FIR No.221/2011, PS Jamia Nagar registered under Sections 323/324/341/34 of the Indian Penal Code, 1860 nor do I want the petitioner to be punished in relation thereto. The petitioner is also living in the same area of Batla House where I live.

I have studied upto standard 8th.

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

RO & AC
22.01.2020

ANU MALHOTRA, J