

Yaseen vs State (Nct) Delhi & Anr on 21 March, 2018

Author: Anu Malhotra

Bench: Anu Malhotra

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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CRL.M.C. 1454/2018 & CRL.M.A. 5281/2018

YASEEN

..... Petitioner

Through Mr. Tahir Ashraf Siddiqui, Adv. with
petitioner in person.

versus

STATE (NCT) DELHI & ANR

..... Respondent

Through Mr. Hirein Sharma, APP for State
with SI Manish Tyagi PS Gandhi
Nagar.

R2 in person.

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

% 21.03.2018 CRL.M.A. 5281/2018 is an application filed on behalf of the petitioner seeking exemption from filing certified copies of the annexures. The same is allowed, subject to just exceptions.

The application is disposed of.

Vide the present petition, the petitioner seeks quashing of FIR No. 66/13, registered at PS Gandhi Nagar, under Sections 354 of the Indian Penal Code, 1860 submitting to the effect that all disputes between the petitioner and the respondent no. 2 have since been amicably settled by virtue of the marriage of the respondent no. 2 with the petitioner. It has also been submitted that though the FIR in question was registered also under CRL.M.C. 1454/2018 page 1 of 4 Sections 341/451/506/509 of the Indian Penal Code, 1860, the offences in relation thereto have since been compounded vide the proceedings dated 23.01.2018 in the Court of MM/Mahila Court-1, East, Karkardooma Courts, Delhi, which aspect is affirmed by the Investigating Officer present today in the Court, who has also identified the petitioner Yaseen s/o Sh. Ashraf Khan as being the accused in relation to the FIR No. 66/13, registered at PS Gandhi Nagar, under Sections 354 of the Indian Penal Code, 1860 and has submitted that apart from the petitioner there are no other persons named as accused in the said FIR. He has also identified the respondent no. 2 Smt. Uzma w/o Sh. Yaseen d/o Mohd. Miyan present today in the court as being the complainant of the said FIR. The proof of the identity of the petitioner and of the respondent no. 2 in the form of photocopies of the documents produced by them are Ex. CW1/A to Ex. CW1/B respectively, originals of which have been seen and returned.

The respondent no. 2 in her examination on oath by the Court has testified to having sworn her affidavit annexed to the petition as Ex.CW2/A voluntarily of her own accord without any duress, pressure or coercion from any quarter and has further testified to the effect that she has since married the petitioner on 21.01.2017 and that there are no problems between her and the petitioner and that she does not oppose the prayer made by the petitioner Yaseen s/o Sh. Ashraf Khan seeking quashing of the FIR No. 66/13, registered at PS Gandhi Nagar, under Sections 354 of the Indian Penal Code, 1860 nor does she want him to be punished in relation thereto.

Learned APP for the State submits that in the circumstances of the CRL.M.C. 1454/2018 page 2 of 4 case, there is no opposition to the prayer made by the petitioner seeking quashing of the FIR in question in view of the factum of the marriage between the petitioner and the respondent no. 2.

Taking the totality of the circumstance of the case into account the compounding of the offences under Sections 341/451/506/509 of the Indian Penal Code, 1860 vide the proceedings dated 23.01.2018 in the Court of MM/Mahila Court-1, East, Karkardooma Courts, Delhi and the factum of the marriage of the petitioner and the respondent no. 2 and the deposition of the respondent no. 2 that she does not oppose the prayer made by the petitioner Yaseen s/o Sh. Ashraf Khan seeking quashing of the FIR No. 66/13, registered at PS Gandhi Nagar, under Sections 354 of the Indian Penal Code, 1860 nor does she want him to be punished in relation thereto as she has no problems now, there appears no reason to disbelieve her statement that she has made her statement voluntarily of her own accord without any duress, coercion or pressure from any quarter and taking into account the non-opposition on behalf of the State for maintenance of peace and harmony between the petitioner and the respondent no.2, it is considered essential to put a quietus to the litigation. It is thus considered appropriate to allow the prayer made by the petitioner seeking quashing of FIR No. 66/13, registered at PS Gandhi Nagar, under Sections 354 of the Indian Penal Code, 1860 and all the consequential proceedings emanating therefrom against the petitioner. In view thereof the FIR No. 66/13, registered at PS Gandhi Nagar, under Sections 354 of the Indian Penal Code, 1860 and all the CRL.M.C. 1454/2018 page 3 of 4 consequential proceedings emanating therefrom against the petitioner are quashed.

The petition is disposed of.

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Statement of CW1 : SI Manish Tyagi PS Gandhi Nagar, Delhi. ON S.A. I identify the petitioner Yaseen s/o Sh. Ashraf Khan as being the accused in relation to the FIR No. 66/13, registered at PS

Gandhi Nagar, under Section 354 of the Indian Penal Code, 1860. Apart from the petitioner, there are no other persons named as accused in the said FIR. I also identify the respondent no. 2 Smt. Uzma w/o Sh. Yaseen d/o Mohd. Miyan present today in the court i.e. the complainant of the said FIR. The proof of the identity of the petitioner and of the respondent no. 2 in the form of photocopies of their documents produced by them are Ex. CW1/A to Ex. CW1/B respectively (original seen and returned).

The offence punishable under Sections 341/451/506/509 of the Indian Penal Code, 1860 against the petitioner have since been compounded in terms of the proceedings dated 23.01.2018 of the Court of MM/Mahila Court-1, East, Karkardooma Courts, Delhi.

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Statement of CW2 : Smt. Uzma w/o Sh. Yaseen d/o Mohd. Miyan, aged 24 years r/o Jhuggi No. 233, Gali No. 4, Chanderpuri, Kailash Nagar, Gandhi Nagar, Delhi.

ON S.A. I have since married to the petitioner on 21.01.2017. There are no problems now between me and the petitioner and I do not oppose the prayer made by the petitioner Yaseen s/o Sh. Ashraf Khan seeking quashing of the FIR No. 66/13, registered at PS Gandhi Nagar, under Section 354 of the Indian Penal Code, 1860 nor I do want him to be punished in relation thereto. I have studied till standard 7th. My affidavit annexed to the petition bears my signature thereon at points-A and B on Ex.CW2/A, which I have signed voluntarily of my own accord without any duress, pressure or coercion from any quarter. I have made this statement voluntarily of my own accord without any duress or coercion from any quarter.

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