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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(CRL) 2807/2017**

**ASHISH MATHUR**

..... Petitioner

Represented by: Mr. Dinkar Kumar, Advocate  
with petitioner in person.

versus

**STATE & ANR**

..... Respondents

Represented by: Mr. Piyush Singhal, Advocate  
for Mr. Ashish Aggarwal,  
Additional Standing Counsel  
for State with SI Manish  
Kumar, PS Cyber Cell/East.  
Mr. Abhimanyu Choudhary,  
authorised representative for  
respondent No.2 in person.

**CORAM:**

**HON'BLE MS. JUSTICE MUKTA GUPTA**

**ORDER**

**20.12.2017**

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By the present petition the petitioner seeks quashing of FIR No. 158/2017 under Sections 384/420/120B IPC and Sections 65/66 of the Information Technology Act registered at PS Preet Vihar, Delhi on the complaint of Sumit Khandelwal, Director of Respondent No.2 and the proceedings pursuant thereto on the ground that the parties have settled the matter vide Memorandum of Understanding dated 28<sup>th</sup> August, 2017.

Learned proxy counsel for learned Additional Standing Counsel for the State on instructions from Investigating Officer submits that the FIR was got registered on the complaint of Sumit Khandelwal as Director of  
**W.P.(CRL) 2807/2017**

**Page 1 of 4**

respondent No.2, that is, Nreach Online Services Pvt. Ltd. alleging that there was a little high redemption than the usual in the system which alerted, thus the renewal of the e-vouchers was blocked. It was revealed that the e-vouchers had been hacked and the sender of the email sent a bit coin address to make payment of USD 5000 otherwise the data would be made public. The complaint was referred to Cyber Cell, District East Delhi and during the course of investigation no real IP address from where the email was received was obtained. However, it was revealed that the petitioner was the person who remitted the company's e-vouchers in bulk on Amazon to order costly products like apple, mcbook and apple I phone online. Learned proxy counsel for State on instructions further states that during the course of investigation no further accused except the petitioner has been found and the respondent No.2 is the only complainant/victim.

The complaint was preferred by Mr. Sumit Khandelwal, Director of respondent No.2 company Nreach Online Services Pvt. Ltd., authorisation in whose favour is at page 51 of the paper book. Mr. Sumit Khandelwal has further authorised Mr. Abhimanyu Choudhary working as Vice President, Sales to make statement before this Court and settle the matter on behalf of the respondent No.2 company, vide copy of authorisation at page 52 of the paper book.

Mr. Abhimanyu Choudhary is present in Court and is identified by the Investigating Officer. He states that respondent No.2 has settled the matter with the petitioner vide Memorandum of Understanding dated 28<sup>th</sup> August, 2017 pursuant where to a sum of ₹2.20 lakhs was to be paid by the petitioner to respondent No. 2 out of which ₹1.70 lakhs have already been paid and the

balance amount of ₹50,000/- has been paid in cash today. Mr. Abhimanyu Choudhary states that respondent No.2 has now no claim whatsoever against the petitioner and in terms of the settlement he does not wish to pursue the above-noted FIR and the proceedings pursuant thereto.

The petitioner who is present in Court and is identified by the learned counsel affirms the statement of Mr. Abhimanyu Choudhary, authorised representative of respondent No.2 and states that he will abide by the terms of the Settlement. Petitioner also states that to show remorse he is willing to deposit some cost.

In view of the fact that the parties have amicably resolved their differences of their own free will, volition and without any coercion and no useful purpose will be served in continuance of the proceedings, rather the same would create further acrimony between them, it would be in the interest of justice to quash the abovementioned FIR and the proceedings pursuant thereto. There is no legal impediment in quashing the FIR in question.

Consequently, FIR No. 158/2017 under Sections 384/420/120B IPC and Sections 65/66 of the Information Technology Act registered at PS Preet Vihar, Delhi and proceedings pursuant thereto are hereby quashed subject to the petitioners depositing a total sum of ₹15,000/- with the Delhi High Court Staff Welfare Fund within four weeks.

Petitioner and Mr. Abhimanyu Choudhary, authorised representative of respondent No.2 have signed this order sheet in acknowledgment of their statements made before this Court.

Petition is disposed of. Order dasti.

**MUKTA GUPTA, J.**

**DECEMBER 20, 2017**  
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