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

\+ W.P.(CRL) 1746/2017

SANJAY BHARGAVA .... Petitioner

Represented by: Mr.K.K.Manan, Sr.Advocate with Mr.B.P.Shukla, Ms.Shivani Kant and Ms.Bhavya Chauhan, Advocates

versus

STATE (NCT OF DELHI) & ANR ... Respondents

Represented by: Mr.R.S.Kundu, ASC with Mr.Prem Sagar Pal and Mr.Bhagat Singh, Advocates for the State
Ms.Kajal Chandra, Advocate for respondent No.2

CORAM:
HON'BLE MS. JUSTICE MUKTA GUPTA

<u>O R D E R</u>

% **19.01.2018**

By this petition the petitioner sought quashing of FIR No.39/2017 under Sections 466/477 IPC read with Section 66 of the Information Technology Act, 2000 registered at PS Economic Offences Wing, Delhi on the ground that the petitioner and respondent No.2 who are brother and sister, have settled the matter.

On 14th December, 2017 when this matter came up before this Court statement of the petitioner as well as respondent No.2 were recorded who

No.2 who both stated that they do not wish to pursue the above noted FIR. The terms of settlement between the parties have been incorporated in the Memorandum of Settlement dated 15th May, 2017 copy whereof is annexed as Annexure-C of the present petition and both the parties undertook to abide by the terms of settlement.

The issue in the FIR related to an entry made on the website of North Delhi Municipal Corporation in respect of the ownership of property bearing No.B-250, Priyadarshini Vihar, Laxmi Nagar, Shahdara, Delhi. Though the parties had settled the matter, this Court was of the view that the issue of incorrect entry may affect any other party if it re-occurs in future and directed DCP, Economic Offences Wing to get an enquiry conducted on the same and file a detailed Status Report.

A Status Report has been handed over in Court duly signed by DCP, Cyber Crime Cell, EOW as per which enquiry was conducted from MCD and it was found that no such property bearing No.B-250, Priyadarshini Vihar, Civil Lines Zone, Rana Pratap Bagh, Delhi exists. Further, no property tax was deposited against the alleged Universal Property Identity Code on the basis of which the FIR was registered. As per the report the functioning of the property tax online portal was investigated and queries were also made to MCD officials and it was found that :

a. It is an openly accessible portal which can be accessed by any online user for filing his/her Property Tax Return along with online payment of the taxes due in respect of the same.
b. The portal records the entries in respect of any property (real or imaginary) and allows for filing of Property Tax Return for the

same.

c. The only data-entry field that the portal takes from the system drop-down menu is that of 'colony name'. Rest of the fields are taken as per the data filled by the online user.

Thus, the MCD's online portal is based on the self-assessment model which is accessible to anyone who intends to file a Property Tax Return. The possibility of making misleading entry regarding Property Tax Return cannot be ruled out and thus any entry made on this portal would be subject to verification and would not be a concrete proof of the ownership of the property.

In view of the Status Report filed by the DCP, Cyber Crime Cell, EOW and the statements of the parties recorded by this Court vide order dated December 14, 2017, this Court deems it fit to quash FIR No.39/2017 under Sections 466/477 IPC read with Section 66 of the Information Technology Act, 2000 registered at PS Economic Offences Wing, Delhi and the proceedings pursuant thereto on the ground that the parties have settled the matter.

Petition is disposed of. Order dasti.

MUKTA GUPTA, J.

JANUARY 19, 2018
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