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

+ **W.P.(CRL) 1767/2017**

RAHUL BANSAL

... Petitioner

Represented by: Mr.Mukesh Kalia with
Ms.Radha Singh and Ms.Vasu
Singh, Advocates

versus

STATE OF NCT OF DELHI & ORS

.... Respondents

Represented by: Ms.Srilina Roy, proxy counsel
for Ms.Nandita Rao, ASC for
the State with SI Sandeep
Shrivastava, PS Ashok Vihar
Mr. Nitin Mehta, Adv. for
R-2 to 5.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

22.02.2018

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By the present petition the petitioner seeks quashing of FIR No.436/2016 under Sections 354A/354D/509 IPC read with Section 67/67A of the Information Technology Act registered at PS Ashok Vihar, Delhi on the complaint of Respondent No.2 and the proceedings pursuant thereto on the ground that the parties have settled the matter.

Learned proxy counsel for learned Additional Standing Counsel for the State on instructions from Investigating Officer submits that in the above-noted FIR, petitioner is the only accused and respondent No.2 the complainant, respondent No.5, the victim and respondents No.3 and 4,

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brother and sister-in-law of respondent No.5, who are the other family members to whom derogatory and objectionable words were conveyed.

Respondent No.2 and 3 are present in Court and are identified by learned counsel. Respondents No.4 and 5 are not present in Court. They have executed Special Power of Attorneys, respondent No.4 in favour of respondent No.3 whereas respondent No.5 has executed the Special Power of Attorney in favour of the father i.e. respondent No.2. The Special Power of Attorney by respondent No.5 is already on record. Special Power of Attorney of respondent No.4, who is stated to have delivered a child recently and is not in a position to come, has been handed over in Court, which is taken on record.

Respondents No.2 and 3 on their own and on behalf of respondents No.4 and 5 state that the respondents No.2 to 5 have entered into a settlement with the petitioner vide Memo of Understanding dated 1st May, 2017 copy whereof has been placed on record as Annexure-E to the present petition from pages 68 to 71 of the paper book. In terms of the settlement and since both the parties i.e. the petitioner and respondents No.2 to 5 are not interfering in the lives of each other they want to live in peace, harmony and good relations without any confrontation, respondents No.2 to 5 do not wish to pursue the above-noted FIR and the proceedings pursuant thereto.

Petitioner who is present in Court and is identified by the learned counsel affirms the statements of respondents No.2 and 3 on their own behalf and on behalf of respondents No.4 and 5. Petitioner further agrees that he will abide by the terms of settlement arrived at between the parties vide Memorandum of Understanding dated 1st May, 2017.

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.436/2016 under Sections 354A/354D/509 IPC read with Section 67/67A of the Information Technology Act registered at PS Ashok Vihar, Delhi and proceedings pursuant thereto are hereby quashed.

Parties have signed this order sheet in acknowledgment of their statements made before this Court.

Petition is disposed of. Order dasti.

MUKTA GUPTA, J.

FEBRUARY 22, 2018
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