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

+ **W.P.(CRL) 2712/2018**

SHAILESH GUPTA

..... Petitioner

Represented by: Mr. Neeraj Kumar and Mr.
Harshvardhan Sharma,
Advocates.

versus

STATE OF NCT DELHI & ANR.

..... Respondent

Represented by: Mr. Jamal Akhtar, Advocate
for Mr. Rahul Mehra, Standing
Counsel for the State with Insp.
Sanjeev Kumar Verma, PS
Preet Vihar.
Mr. Hemant Gulati, Advocate
for R-2.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

12.09.2018

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1. By this petition, the petitioner seeks quashing of FIR No. 132 /2018 under Sections 65/66C of the Information Technology Act, 2000 and Section 408 IPC registered at PS Preet Vihar on the complaint of respondent No.2 and the proceedings pursuant thereto on the ground that the parties have settled the matter.

2. Learned proxy counsel for learned Standing Counsel for the State on instructions submits that in the above noted FIR the petitioner is the only accused and respondent No. 2 is the sole complainant/victim as the domain

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name allegedly hacked by the petitioner was owned by respondent No. 2.

3. Respondent No.2 who is present in Court and is identified by the learned counsel and the Investigating Officer states that he has settled the matter with the petitioner vide settlement and release agreement dated 29th July, 2018, copy whereof is annexed as Annexure B to the present petition. In terms of the settlement, the petitioner has left the services of Guerrilla Infra Pvt. Ltd. and is no more its director. The petitioner has now no concern whatsoever with the said company or even innov8, Inc. Respondent No.2 has now no claim whatsoever remaining against the petitioner. He states that in terms of settlement he does not wish to pursue the above noted FIR and the proceedings pursuant thereto. He also undertakes to abide by the terms of settlement arrived at between the parties. As charity he undertakes to deposit costs.

4. Petitioner who is present in Court and is identified by the learned counsel affirms the statement of respondent No.2 and undertakes to abide by the terms of settlement arrived at between the parties. He also assures that no such incident will take place in future and to show remorse, he undertakes to deposit cost.

5. 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, 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.

6. Consequently, FIR No. 132 /2018 under Sections 65/66C of the Information Technology Act, 2000 and Section 408 IPC registered at PS Preet Vihar and proceedings pursuant thereto are hereby quashed subject to the petitioner and respondent No. 2 depositing a sum of ₹10,000/- each with the Chief Minister's Distress Relief Fund, Kerala within two weeks and receipt thereof will be placed on record.
7. Since the FIR No. 132 /2018 under Sections 65/66C of the Information Technology Act, 2000 and Section 408 IPC registered at PS Preet Vihar has been quashed the laptop of the petitioner seized by the Investigating Officer will be returned to the petitioner within two weeks.
8. Parties have signed this order sheet in acknowledgment of their statements made before this Court.
9. Petition is disposed of. Order dasti.

MUKTA GUPTA, J.

SEPTEMBER 12, 2018
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