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

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Judgment delivered on: 12.10.2018

+ CRL.M.C. 5266/2018

LALIT BHOLA

..... Petitioner

versus

STATE & ANR

..... Respondents

Advocates who appeared in this case:

For the Petitioners :

Mr. M.P. Sinha with Mr. Girik Tolani and
Mr. Yatharth Sinha, Advocates.

For the Respondents:

Mr. Panna Lal Sharma, APP for the State.
Mr. Puneet Maheshwari, Advocate for respondent
No.2 with respondent No.2 in person.
Insp. Sahib Singh, PS Sarai Rohilla.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

12.10.2018

SANJEEV SACHDEVA, J. (ORAL)

Crl.M.A.34255/2018 (exemption)

Exemption is allowed subject to all just exceptions.

CRL.M.C. 5266/2018

1. The petitioner seeks quashing of FIR No.917/2015, under Section 66C Information Technology Act, 2000 (IT Act for short) Police Station Sarai Rohilla, based on a settlement.

2. The allegations against the petitioner are that petitioner created fake online accounts in the name of the complainant on websites which are used for sale and purchase of commodities and thereafter while giving a description of the complainant, expressed desire for a companion. Complainant is alleged to have received humiliating messages thereafter.

3. Learned counsel for the petitioner submits that subject FIR is an offshoot of a matrimonial dispute. It is contended that parties have settled their disputes and Settlement Agreement dated 16.07.2018 has been executed between the parties.

4. Respondent No.2 is present in Court in person, represented by counsel and is identified by the Investigating Officer. She submits that she has arrived at a holistic settlement with the petitioner and does not wish to prosecute the complaint.

5. The allegations in the FIR about the conduct of the petitioner are shocking, I am inclined to quash the complaint solely for the reason that continuation of the proceedings would be further humiliating and traumatic for respondent No.2. She has settled her disputes with the petitioner and has expressed her desire not to prosecute the complaint any further. Facts of the case show how big the heart of a woman is. She even after being humiliated at the hands of her husband is willing to forgive him and forget his conduct.

6. Keeping in view the allegations and in the facts and circumstances of the case, I am inclined to impose cost which would act as a deterrent to the petitioner so that he does not repeat his conduct in future.

7. In view of the above, the petition is allowed. FIR No.917/2015, under Section 66C IT Act, Police Station Sarai Rohilla, Delhi and the consequent proceedings emanating there from are quashed, subject to petitioner depositing costs of Rs.1,00,000/- with the “*Chief Minister’s Distress Relief Fund (CMDRF), Kerala*”, within a period of three weeks from today. Receipt of deposit of the costs imposed by this Order be furnished to the concerned Investigating Officer within a period of four weeks from today.

8. Order *Dasti* under the signatures of the Court Master.

SANJEEV SACHDEVA, J.

OCTOBER 12, 2018
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