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

+ **CRL.M.C. 4691/2023 & CRL.M.A. 17931/2023**

YTA

..... Petitioner

Through: Mr. Gaurav Sharma and Ms. Upasana Chandrashekar, Advs. with petitioner.

versus

STATE OF NCT OF DELHI & ANR.

..... Respondents

Through: Mr. Amit Sahni, APP for State and Insp. Hansa Ram, PS Cyber South.
Mr. Sarthak Maggon, Adv. with AR of Victim.
R-2 through v/c.

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Date of Decision: 19.07.2023.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

J U D G M E N T

DINESH KUMAR SHARMA, J. (Oral)

CRL.M.A. 17933/2023

Exemption allowed subject to just exceptions

CRL.M.A. 17932/2023 (for masking of identity)

1. This is an application filed by the Petitioner seeking direction to mask the identities of the Petitioner and Respondent No. 2 in the case title, and orders.
2. Heard.

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3. In view of the request made, in the cause title, the name of the Petitioner and Respondent No. 2 shall not be reflected and the record of the matter shall remain sealed.

4. The application stands disposed of.

CRL.M.A. 17930/2023

5. The present application has been filed seeking permission to appear through authorised representative to protect the identity of the respondent No.2.

6. Respondent No.2 may appear through her authorised representative that is her father to protect her identity.

7. Heard. Application allowed.

8. The application stands disposed of.

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9. The present petition filed seeking quashing of case FIR No. 79/2022 under Section 354(A) IPC and Section 67 of IT Act registered at PS Cyber Police Station, South.

10. Briefly stating the complaint was regarding the obscene and objectionable images of the complainant/Respondent No. 2 uploaded on Reddit Inc. with sexual connotations on a group. The Respondent No. 2 was informed by a friend who had sent the link where her pictures were uploaded. A person with anonymous username contacted friend of Respondent No. 2 on Reddit after her friend commented on the post that "I knew the person in the post". It was believed by the Respondent No. 2 that the person using the aforementioned username was the person responsible for



- this. The said person had used the pictures of the Respondent No. 2 without her consent.
11. It is further alleged that the Respondent No. 2 searched further and found that one comment referred to a Line ID i.e. 'astrokafka' and it provided Respondent No. 2 with contact details of the Petitioner whose number was already saved in her mobile phone. It was concluded by Respondent No. 2 that Petitioner had taken her pictures from social media and used them without her consent.
 12. The Petitioner and Complainant/Prosecutrix X already knew each other as they used to go to the same church in Safdarjung Enclave, New Delhi. They became friends in 2017. The last conversation between them took place on 25.06.2022 when Petitioner called via Instagram.
 13. Allegedly Respondent No. 2 had confronted Petitioner via call and he had admitted to the offence on call and the recording of the conversation was also submitted with the complaint. The Petitioner took down the pictures associated with the post immediately after the call concluded between the Petitioner & Respondent No. 2. However, RedditiInc. refused to take down the associated comments and accordingly a petition titled Av. Union of India bearing no. W.P. (CRL.) 1636/2022 was filed before this Hon'ble Court. Thereafter, the current FIR no. 79/2022 under sections 354(A) of IPC, 1860 & 67 of Information Technology Act, 2000, PS Cyber Police Station South was lodged.
 14. It is submitted that on the intervention of the respective family



members of both parties, the Petitioner and Prosecutrix through her Authorized Representative have reached a compromise/settlement agreement dated 16.06.2023. The Petitioner has tendered unconditional apologies to the Respondent No. 2 for any of his acts or omissions. Respondent No.2 has appeared through VC and states that she has shifted to Australia and states that she has voluntarily settled the matter without any threat, force, fear, and coercion and does not want to continue any further litigation and is willing to lead her normal peaceful life.

15. It is submitted that the parties have resolved their disputes amicably and a settlement has been effected between the Petitioner and the Complainant/Respondent No. 2 herein on the following terms and conditions:

“1. That the First Party has settled all disputes with the Second Party amicably.

2. That both the parties have settled their disputes amicably out of court without any coercion, pressure or undue influence from any corner whatsoever.

3. That the Second Party undertakes not to proceed any further against the First Party who is an accused in the aforesaid FIR and thus no dispute remains pending between the parties. The Second Party also undertakes to appear in the court as and when required or called for virtually and/or physically through her authorised representative.

4. That the Second Party and her authorised representative undertake to cooperate with the First Party for quashing the FIR No. 79/2022 U/S 354(A) of IPC, 1860 & 67 of Information Technology Act, 2000, PS



Cyber Police Station (South) filed before the Hon'ble High Court.

5. That both parties have entered into a pre-settlement agreement to give full effect to the present Settlement whereby the First Party has agreed to maintain the confidentiality and identity of the Second Party and indemnify legal expenses incurred.

6. That both parties have understood the terms and conditions of the settlement in vernacular.”

16. Both parties are present and have duly been identified by the IO. Respondent No. 2 submits that she has entered the settlement voluntarily without any fear, force, or coercion. She has no objection if FIR No. 79/2022 under Section 354(A) IPC and Section 67 of IT Act registered at PS Cyber Police Station, South, New Delhi is quashed.
17. It is settled law that the inherent powers under section 482 of the Code are required to be exercised to secure the ends of justice or to prevent abuse of the process of any court. Further, the High Court can quash non-compoundable offences after considering the nature of the offence, gravity of case and the amicable settlement between the concerned parties.
18. Taking into account the totality of facts and circumstances of the case and doing complete justice to the future of Respondent No. 2, this court considers that the parties have entered into an amicable settlement out of their own free will, without any fear, force or coercion and they should be given an opportunity to lead their lives peacefully. No purpose will be served in continuing with the



trial.

19. In view of the above, FIR No. 79/2022 under Section 354(A) IPC and Section 67 of IT Act registered at PS Cyber Police Station, South, New Delhi, and all the other proceedings emanating therefrom are quashed.

DINESH KUMAR SHARMA, J

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