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

+ **CRL.M.C. 6575/2023**

SANTOSH PANDEY

..... Petitioner

Through: Mr.P.K.Dubey, Sr.Adv. with
Mr.Satyam Sharma, Mr.Chaitnay,
Mr.Amit Singh Rathore and
Mr.Neeraj Joshi, advts.

versus

STATE OF NCT DELHI THROUGH SHO P.S SAKET & ANR.

..... Respondents

Through: Mr.Hemant Mehla, APP for the state
with Mr.Dipanshu Meena, Advocate
Respondent no.2 in person (through
VC)
SI Sombir, PS Saket

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Date of Decision: 13.09.2023

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

J U D G M E N T

DINESH KUMAR SHARMA, J. (Oral)

CRL.M.A. 24649/2023 (exemption)

Exemption is allowed subject to all just exceptions.

Application stands disposed of.

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1. Present petition has been filed seeking quashing of FIR No.223 dated

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18.04.2018 registered under Section 509 IPC at PS Saket.

2. The FIR was lodged on the statement of the complainant Dr. Nivedita Pandey alleging therein that the accused has posted several defaming messages against the complainant on the online social website, namely, facebook.com. It is alleged that such incidents are caused by the death of the accused's relative, Mr Abhishek Pandey. The deceased was to undergo a liver transplant on 03.02.2018, however upon the insistence of his family, he was discharged on leave against medical advice from the hospital where the complainant is employed. Thereafter, he had a fatal cardiac arrest and expired on 20.03.2018.
3. However, it is submitted that upon intervention of well-wishers, now the parties have entered into the settlement on the following terms and conditions:
 - a. *That both the parties had shown their willingness to settle their matter pertaining to the present dispute in the matter in Bar Council of India bearing Misc. No. 04/2023 titled as "Dr. Nivedita Pandey vs. Santosh Pandey" and the second party had already given a written unconditional apology letter along with an affidavit before the Hon'ble Sub-Committee of BCI and in congruence of the hearing on 09.07.2023 the Hon'ble Sub-committee gave directions for the parties in its order dated 17.07.2023 to withdraw their pending litigation related to the present dispute.*
 - b. *That the Second party has already withdrawn his complaint dated 08.06.2018 vide dairy no. 32B in P.S. Tilak Marg and the same complaint was withdrawn from all the different other authorities where it was sent on dated 08.06.2018.*
 - c. *That the Second Party had already filed an affidavit of tendering his apology in compliance of order dated 17.07.2023 of Hon'ble Subcommittee of BCI in the Civil Suit bearing CS (OS) No. 189/2018 titled as "Dr. Nivedita Pandey vs. Santosh Pandey" pending before*



the Hon'ble High Court of Delhi vide Dairy No E-1372764/2023 on 08.08.2023.

d. That it is agreed between both the parties that they will file joint Petition for quashing of FIR No. 0223/2018 before the Hon'ble High Court of Delhi and shall take appropriate steps for quashing of the said FIR.

e. That First party shall withdraw the Civil Suit CS (OS) 189/2018 and take all appropriate steps in this respect and in compliance of order dated 17.07.2023 passed by Hon'ble Sub-Committee of BCI.

f. That the parties shall not file any complaint or any proceedings against each other in future pertaining to their present disputes.

g. That either of the parties shall not make any claim whatsoever in the future, against each other, of any nature in view of the present settlement between the parties.

h. The parties have no rights or claims against each other outside of this present compromise deed.

i. That both parties have signed this Memorandum of Understanding with their own free will without any pressure, force, mistake, undue influence or any coercion from any side.

4. Mr.P.K.Dubey, learned senior counsel appearing for the petitioner states that all the parties are related to each other and the misunderstanding happened on account of death of the younger brother of the petitioner while he was admitted in Max Hospital Saket and the complainant/respondent no.2 was also working there. Learned senior counsel for the petitioner and learned counsel for the respondent no.2 submit that the parties have now voluntarily settled the matter at their own free will without any fear, force or coercion.
5. The parties have been duly identified by the IO.
6. It has been repeatedly held by the Hon'ble Supreme Court and this



court that when the chances of an ultimate conviction are bleak and, therefore, no useful purpose is likely to be served by allowing a criminal prosecution to continue, the court may exercise power under section 482 CrPC for quashing the proceedings or the complaint or the FIR as the case may be.

7. I consider that there would be no purpose of continuing with the proceedings and do not see any reason to reject the settlement.
8. Taking into the account the totality of facts and circumstances the present FIR No.223 dated 18.04.2018 registered under Section 509 IPC at PS Saket is quashed.
9. However, considering that the petitioner is a practicing lawyer, he is directed to conduct 10 pro bono cases to be assigned by the Secretary, Delhi High Court Legal Services Authority.
10. The present petitions stand disposed of.

DINESH KUMAR SHARMA, J

SEPTEMBER 13, 2023

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