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

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Date of Decision: 19.03.2024

+ CRL.M.C. 1665/2024

ABDUL MUQTADIR.

..... Petitioner

Through: Mr.Sandeep Jain, Advocate with
Petitioner-in-person.

versus

THE STATE AND ANR.

..... Respondents

Through: Ms.Kiran Bairwa, APP for State with
SI Rizwan Khan, PS Amar Colony.
Mr.Dharmender Arya and
Mr.Shashank Aggarwal, Advocates
with respondent No.2-in-person.

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

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J U D G M E N T

ANOOP KUMAR MENDIRATTA, J (ORAL)

1. Petition under Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been preferred on behalf of the petitioner for quashing of FIR No. 0205/2020, under Sections 500/509 IPC, registered at P.S.: Amar Colony. Sections 66E/67 of IT Act were subsequently invoked.
2. In brief, as per the case of the petitioner, present FIR was registered on the complaint of respondent No.2 wherein, she alleged that some unknown person created fictitious account on instagram in her name which came to her notice on 25.05.2020. Further, someone had stolen her photographs and published them by describing in the words 'S... L...'. Present FIR was accordingly registered.



3. Learned counsel for the petitioner submits that the petitioner is working in a semi government organization and the concerned electronic device appears to have been hacked or misused without his permission and he is unaware of creation of the aforesaid alleged account. It is further pointed out that the petitioner is aged about 24 years with clean past antecedents and continuation of present proceedings shall be a blot on his career.

4. Learned APP for the State submits that since electronic device with corresponding IP address was traced in the name of the petitioner, charge-sheet was accordingly filed. However, in view of amicable settlement between the parties, the State has no objection in case the FIR in question is quashed.

5. Petitioner as well as respondent No. 2 are present in person and have been identified by Insp. Rizwan Khan, P.S.: Amar Colony. I have interacted with the parties and they confirm that the matter has been amicably settled between them without any threat, pressure or coercion. Respondent No. 2 also states that nothing remains to be further adjudicated upon between the parties and she has no objection in case the FIR in question is quashed.

6. The disputes have been amicably resolved between petitioner and respondent No. 2 vide Settlement Deed dated 09.02.2024.

7. Petitioner in the present case seeks to invoke the powers under Section 482 of Code of Criminal Procedure. The same is to be used to secure the ends of justice or to prevent the abuse of process of any Court. In which cases, the power to quash the criminal proceedings or the complaint or FIR may be used when the offender as well as victim have settled their dispute, would depend upon the facts and circumstances of each case and no



generalised list or categories can be prescribed. However, the Court is required to give due regard to the nature and gravity of the offence and consider the impact on the society.

8. Parties intend to put quietus to the proceedings and move forward in life. It cannot be ruled out that the device of petitioner may have been hacked or misused, as contended on behalf of petitioner. Considering the facts and circumstances, since the matter has been amicably settled between the parties, no useful purpose shall be served by keeping the case pending. Continuation of proceedings would be nothing but an abuse of the process of Court. Consequently, FIR No. 0205/2020, under Sections 500/509 IPC & Sections 66E/67 of IT Act registered at P.S.: Amar Colony and the proceedings emanating therefrom stand quashed.

Petition is accordingly disposed of. Pending applications, if any, also stand disposed of.

ANOOP KUMAR MENDIRATTA, J.

MARCH 19, 2024/v