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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 10.04.2024

+ CRL.M.C. 1707/2024

ROHIT KUMAR & ANR.

..... Petitioners

Through: Mr.Deepanshu Rana, Mr.Deepak Shah, Mr.Harshit Shishodia, Mr.Vishal Chauhan and Mr.Shivam Kumar, Advocates.

versus

THE STATE OF NCT OF DELHI & ANR.

.... Respondents

Through: Mr.Ajay Vikram Singh, APP for State with Insp. Ashwani Kumar, PS Cyber Police Station Shahdara, Delhi.

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 petitioners for quashing of FIR No. 45/2022, under Sections 420 IPC registered at P.S.: Cyber Police Station Shahdara, Delhi and proceedings emanating therefrom. Sections 34 and 66D of IT Act have been subsequently invoked by prosecution.
2. Presence of petitioners is exempted as prayed by learned counsel for the petitioners.
3. In brief, as per the case of the prosecution, present FIR was registered on complaint of Mr.Pratik Jain who alleged that for purpose of booking air tickets from India to Canada he had contacted at Mobile No.:8572079022,



Guru Ji Travel 72, 75 Mohan Singh Place, Connaught Place, Delhi. Out of sum of Rs. 2,32,000/- towards air ticket from Delhi to Canada, he transferred an amount of Rs. 1,00,000/- on 11.03.2022 to the account number provided to him. A copy of confirmation of air tickets with dates was provided but no air tickets were issued. Thereafter, no response was received from said tours and travels and as such present FIR was registered. During the course of investigation, after tracing the said phone number, accused were identified.

4. Learned counsel for the petitioners submits that the matter has been amicably settled between petitioners and complainant, and sum of Rs.1,00,000/- has since been transferred to the complainant.

5. Respondent No. 2 (through VC) submits that he has no longer any grievance against the petitioners since the amount of Rs.1,00,000/- (One Lakh Only), has been received back. He further submits that the matter has been amicably settled with petitioners without any threat, pressure or coercion and nothing remains to be further adjudicated upon between the parties. Further, he has no objection in case the FIR in question is quashed.

6. Learned APP for the State, on instructions from IO, submits that petitioners are involved in two other instances, though it is clarified by learned counsel for the petitioners that one of the cases bearing FIR No.8/2023 under Section 420 IPC registered at P.S. Cyber Police Station, North District, Rohini has already been compounded, while other case is pending consideration.

7. Petitioners in the present case seek 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 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. Reference may also be made to '*Sunil Tomar vs. The State of NCT of Delhi & Anr.*' CRL.M.C. 1741/2021, decided on 12.04.2022 by Co-ordinate Bench of this Court, wherein the proceedings under Section 406/420 IPC were quashed on the basis of settlement between parties.

8. The dispute pertains to non-providing of travel tickets after making of part payment by respondent No. 2. Respondent No. 2, who is presently posted abroad, does not wish to proceed further, since he has received back the amount. The chances of conviction are bleak in view of settlement between the parties and no purpose shall be served by keeping the proceedings pending and would be an exercise in futility. Keeping in view the totality of the facts and circumstances of the case, this court is of the opinion that the continuity of proceedings would be an abuse of process of court. Consequently, FIR No. 45/2022, under Sections 420/34 IPC and 66D of IT Act registered at P.S.: Cyber Police Station Shahdara, Delhi and the proceedings emanating therefrom stand quashed.

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

A copy of this order be forwarded to the learned Trial Court for information.

ANOOP KUMAR MENDIRATTA, J.

APRIL 10, 2024/v