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

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Date of Decision: 02.04.2024

+ W.P. (CRL.) 860/2024

MS. KHUSBHOO GOSWAMI

..... Petitioner

Through: Mr. Lalit Yadav Advocate with
Petitioner-in-person.

versus

THE STATE NCT OF DELHI & ANR.

..... Respondents

Through: Mr. Anand V. Khatri, ASC (Crl.),
GNCTD with SI Saurabh, PS Cyber
East District.

Mr. Shailender Negi, Mr. Sandeep
Kumar, Mr. Ankit Chauhan and Mr.
Amit Kumar, 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. 0035/2023, under Section 500/509 IPC, registered at P.S.: Cyber Police Station East, District East, Delhi and proceedings emanating therefrom.

2. In brief, as per the case of the petitioner, obscene messages were received by respondent No.2 on her Instagram account on 02.06.2023 from an unknown ID. The aforesaid ID was tracked and found to be of petitioner. FIR was accordingly registered under Sections 500/509 IPC at Cyber Police Station East, District East, Delhi. Section 67 of IT Act was subsequently



invoked.

3. Learned counsel for the petitioner submits that respondent No.2 is the sister of petitioner's former husband namely, Abhishek Atri, and matter has been amicably settled between the petitioner and respondent No. 2 vide Settlement Deed dated 28.02.2024.

4. Learned APP for the State submits that 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 SI Saurabh, P.S.: Cyber Police Station East, District East, Delhi. I have interacted with the petitioner and respondent No.2 and they confirm that the matter has been amicably settled between them without any threat, pressure or coercion. Respondent No.2 states that she does not wish to take up the matter against the petitioner and proceedings initiated on the basis of her complaint may be quashed. 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. 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.



7. Parties intend to put quietus to the proceedings and move forward in life being earlier closely related. The alleged incident appears to be on account of bickering in matrimonial relations between petitioner and her in-laws. 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. 0035/2023, under Section 500/509 IPC and Section 67 of IT Act, registered at P.S.: Cyber Police Station East, District East, Delhi and the proceedings emanating therefrom stand quashed.

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

ANOOP KUMAR MENDIRATTA, J.

APRIL 02, 2024/v