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IN THE HIGH COURT OF DELHI AT NEW DELHI

+ W.P.(CRL) 957/2024

MR. NARESH GARG & ANR.

.....Petitioner

Through: Mr. Shiv Chopra & Ms.
Aadhya Khanna, Advs. for
P1

Ms. Sugam Mishra, Ms.
Faiza Akram & Ms.
Rukhshaar Saifi, Advs. for
P2

Petitioners in person

versus

STATE (NCT OF DELHI) & ANR.

.....Respondent

Through: Mr. Sanjeev Bhandari,
ASC for the State with Ms.
Charu Sharma, Mr. Arjit
Sharma, Mr. Vaibhav Vats
& Mr. Nikunj Bindal,
Advs.

Inspector Arun Verma,
PS- Cyber, South

Ms. Manpreet Kaur, Adv.
for R2 with R2 in person

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

30.08.2024

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1. The present petition is filed seeking quashing of FIR No. 109/2023 dated 27.11.2023, registered at Cyber Police Station South, for the offence under Section 420 of the Indian Penal Code, 1860 ('IPC') and Section 66C of the Information Technology Act, 2000 ('IT Act'). The FIR was registered on a complaint given by Respondent No. 2.

2. The FIR was registered on a complaint given by Respondent No. 2 who alleged that he had entered into an Agreement to Sell with one person, namely, Deepa, for purchase



of property bearing no. K-2013, Chitranjan Park, New Delhi-110019 for a sale consideration of ₹1,17,00,000/-. It was alleged that accused Deepa had also executed a General Power of Attorney ('GPA') in favour of the complainant dated 16.08.2019 against the sale consideration.

3. The complainant alleged that on 23.11.2023, it came to his knowledge that the accused persons, in conspiracy with each other, had downloaded his photographs from social media and used the same on Deed of Cancellation dated 07.11.2023 for cancelling the GPA dated 16.08.2019. The forged Deed of Cancellation was allegedly also registered with the Sub-Registrar.

4. The learned counsel for the petitioners submits that the petitioners have settled their disputes with Respondent No. 2. He further submits that no compliance is left on part of the petitioners in terms of the settlement arrived at between the parties.

5. The present petition is filed on the ground that a composite Settlement Deed dated 07.03.2024 was entered into between all the accused persons and Respondent No.2, on their own free will, without any undue pressure, force or coercion.

6. The parties are present in person and have been duly identified by the Investigating Officer.

7. The complainant, on being asked, states that he has received the settlement amount and he does not wish to pursue any proceedings arising out of the present FIR.

8. He submits that even though certain compliances are left to be carried out by one of the accused persons, however, as far as the petitioners are concerned, he has no objection if the proceedings are quashed.



9. On instructions, the learned counsel for the petitioners undertakes that if in future Respondent No.2 feels that any compliance is left to be carried out on the part of the petitioners, the same will be done by the petitioners on receiving an advance notice.

10. Offence under Section 420 of the IPC is compoundable.

11. Insofar as the offence under Section 66C of the IT Act is concerned, it is relevant to note that the same is punishable with imprisonment up to three years. Section 77A of the IT Act, which deals with compounding of offences under the IT Act, reads as under:

“77A Compounding of offences- A court of competent jurisdiction may compound offences, other than offences for which the punishment for life or imprisonment for a term exceeding three years has been provided, under this Act:

PROVIDED that the court shall not compound such offence where the accused is, by reason of his previous conviction, liable to either enhanced punishment or to a punishment of a different kind:

PROVIDED FURTHER that the court shall not compound any offence where such offence affects the socio-economic conditions of the country or has been committed against a child below the age of 18 years or a woman.

(2) The person accused of an offence under this Act may file an application for compounding in the court in which offence is pending for trial and the provisions of sections 265B and 265C of the Code of Criminal Procedure, 1973 (2 of 1974) shall apply.”

12. Thus, in view of Section 77A of the IT Act, the offence under Section 66C is also compoundable.

13. This Court is of the opinion that no useful purpose would be served by relegating the parties to the learned Trial Court for filing an application to compound the offence.

14. Keeping in view the nature of dispute and that the parties have amicably entered into a settlement, this Court feels that no



useful purpose would be served by keeping the dispute alive and continuance of the proceedings would amount to abuse of the process of Court.

15. In view of the above, FIR No. 109/2023 and all consequential proceedings arising therefrom are quashed.

16. The present petition is allowed in the aforesaid terms.

AMIT MAHAJAN, J

AUGUST 30, 2024

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