



\$~15

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

+ **W.P.(CRL) 1046/2024**

AYUSH & ANR.

..... Petitioners

Through: Mr. Neeraj Rana and Mr. Jagjit, Advs.
Both the petitioners in person.

versus

THE STATE NCT OF DELHI
AND ANR.

..... Respondents

Through: Mr. Sanjeev Bhandari, ASC for the State with Ms. Anvita Bhandari, Mr. Kunal Mittal, Ms. Charu Sharma, Mr. Arjit Sharma and Mr. Vaibhav Vats, Advs. with SI Damodar Baswana, PS Cyber / OND.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

14.05.2024

%

1. The present petition is filed under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 ('CrPC') seeking quashing of FIR No. 6/2022 dated 10.01.2022, registered at Cyber Police Station Outer North, for offence punishable under Section 420 of the Indian Penal Code, 1860 ('IPC'), including all consequential proceedings arising therefrom. The said FIR was registered on a complaint filed by Respondent No. 2. Chargesheet has been filed in the present case.

2. It is averred that the petitioners had made false promises of extraordinary returns on investment within a short period to

W.P.(CRL) 1046/2024

Page 1 of 3



Respondent No.2, primarily through WhatsApp communications, and induced him to invest ₹6,13,000/-. It is alleged that the petitioners kept demanding more money from Respondent No.2, which led to the registration of the present FIR.

3. The present petition is filed on the ground that the matter is amicably settled between the parties by way of Compromise Deed dated 02.07.2022, on their own free will, without any pressure and coercion.

4. This Court by order dated 02.04.2022 had observed that the balance amount of ₹6,00,000/-, out of the total settlement amount of ₹6,13,000/-, had been handed over to Respondent No.2 in Court. This Court had also noted the submission of Respondent No.2, who was present in person, that he did not wish to pursue any proceedings arising out of the present FIR.

5. Petitioners are present in person and have been duly identified by the Investigating Officer.

6. The Status Report has been filed by the State.

7. It is not disputed that no other complaint has been received till date against the petitioners in regard to the offence of cheating.

8. Even though serious allegations have been made in the Status Report of the petitioners being involved in a well-coordinated syndicate, however, it cannot be denied that the offence under Section 420 of the IPC is compoundable in nature.

9. Keeping in view the nature of dispute and the fact that Respondent No.2 has received the cheated amount and is satisfied with the same, this Court feels that continuance of the proceedings would amount to abuse of the process of Court. No useful purpose would be served by relegating the parties to the



learned Trial Court for filing an application to compound the offence.

10. However, keeping in mind the fact that the chargesheet has already been filed in the case arising out of FIR No. 6/2022, and the State machinery has been put to motion, ends of justice would be served if the petitioners are put to cost.

11. In view of the above, FIR No. 6/2022 and all consequential proceedings arising therefrom are quashed, subject to the payment of a total cost of ₹30,000/- by the petitioners, out of which ₹20,000/- is to be deposited with the Delhi Police Welfare Fund and ₹10,000/- is to be deposited with the New Delhi Bar Association (Patiala House).’

12. Let the proof of deposit of cost be submitted to the concerned IO.

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

AMIT MAHAJAN, J

MAY 14, 2024

‘KDK’