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

+ **CRL.M.C. 5831/2023**

AVDESH KAUSHIK

..... Petitioner

Through: Mr. Shubham Bahl and Mr. Anuj Aggarwal, Advocates with petitioner in person.

versus

STATE & ORS.

..... Respondents

Through: Mr. Sanjeev Sabharwal, APP for the State with SI Harshvardhan, P.S. Farsh Bazar.
Mr. Madhur Arora, Advocate for respondent Nos. 2 to 11 with respondent Nos. 2 to 11.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

03.05.2024

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CRL.M.A. 21930/2023

1. Allowed, subject to all just exceptions.
2. The application is disposed of.

CRL.M.C. 5831/2023

1. The present petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.80/2020 registered under Sections 354D/509 IPC and Sections 66/67 of Information Technology Act, 2000 at P.S. Farsh Bazar, New Delhi on the ground that the parties have amicably settled their disputes.



2. As per the allegations levelled in the FIR, the petitioner sent some objectionable photos and messages on a WhatsApp group, of which respondent Nos.2-11 were members.
3. Learned APP for the State submits that in the present case the petitioner is the only accused and respondent Nos.2 to 11 are the only complainants/victims.
4. Learned counsels for the parties submit that the parties have settled their dispute vide order dated 06.04.2022 passed in Appeal No.36/2019 arrived at before Delhi School Tribunal. In terms of the settlement, respondent Nos.2 to 11 are now left with no claim or grievance whatsoever against the petitioner.
5. The petitioner, who is present in the Court, has been identified by his counsel as well as by the Investigating Officer. *Ms. Gopu Bhatia*, Principal of the school, who is present in Court and the other teachers, who are part of the said WhatsApp group on which the offending messages are stated to have been sent, who have joined the proceedings through video-conferencing (VC), have been identified by their counsel as well as by the Investigating Officer.
6. The petitioner has shown remorse for his conduct and he undertakes not to repeat the same in future. Respondent Nos. 2 to 11 state that they have no objection if the present FIR and consequent proceedings are quashed.
7. Learned counsels for the parties submit that no other proceedings are pending between the parties.
8. The parties shall remain bound by the statements made in Court today.
9. In view of the above facts and since no useful purpose will be served



in continuance of the present criminal proceedings, it is directed that the aforesaid FIR and the consequent proceedings arising therefrom are hereby quashed, subject to payment of cost of Rs.5,000/- by the petitioner to be deposited with the Delhi State Legal Services Authority (A/c No.: 18580110053263, Bank: UCO BANK, Branch: Rouse Avenue, IFSC: UCBA0003364) within a period of four weeks from today. The amount so deposited shall be utilized by the Delhi State Legal Services Authority for providing counselling/psychological support to POCSO victims requiring such assistance.

10. Proof evidencing receipt of deposit shall be filed with the I.O. In case the receipt of cost is not filed within the stipulated time, the I.O. shall be at liberty to move an appropriate application.

11. With the above directions, the petition is disposed of.

12. Let a copy of this order be communicated to the Member Secretary, Delhi State Legal Services Authority for information.

MANOJ KUMAR OHRI, J

MAY 3, 2024/MR