



2024:DHC:5134



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 10.07.2024

+ CRL.M.C. 5190/2024

VIKASH KUMAR JHA

.....Petitioner

Through: Mr. V. S. Dubey and Mr. Mandeep Kumar, Advocates with Petitioner in-person.

versus

STATE & ANR.

.....Respondents

Through: Ms. Kiran Bairwa, APP for State with SI Pardeep Kumar, PS: Subhash Place.

Mr. Suryakant, Advocate for R-2 with respondent No. 2 in-person.

+ CRL.M.C. 5221/2024

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.....Petitioner

Through: Mr. Suryakant, Advocate with Petitioner-in-person.

versus

STATE NCT OF DELHI AND ANR

.....Respondents

Through: Ms. Kiran Bairwa, APP for State with SI Pardeep Kumar, PS: Subhash Place.

Mr. V. S. Dubey and Mr. Mandeep Kumar, Advocates for R-2 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)



2024:DHC:5134

**CRL.M.A. 19909/2024 in CRL.M.C. 5221/2024**

For the reasons stated in the application, the delay of 42 days is condoned.

Application stands disposed of.

CRL.M.A. 19832/2024 in CRL.M.C. 5190/2024**CRL.M.A. 19908/2024 in CRL.M.C. 5221/2024**

Exemption allowed, subject to just exceptions.

Applications stand disposed of.

CRL.M.C. 5190/2024 & CRL.M.C. 5221/2024

1. CRL.M.C. 5221/2024 under Section 482 of Cr.P.C. has been preferred on behalf of petitioner for quashing of FIR No. 0160/2019, under Section 408 IPC, registered at P.S.: Subhash Place, New Delhi and proceedings emanating therefrom.
2. CRL.M.C. 5190/2024 under Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been preferred on behalf of petitioner (respondent No. 2 in CRL.M.C. 5221/2024) for quashing of FIR No. 0161/2019, under Section 354A IPC, registered at P.S.: Subhash Place, New Delhi and proceedings emanating therefrom, which is stated to have been registered as a counter to FIR No. 0160/2019. Chargesheet has been filed under Sections 354/354A IPC.
3. Issue notice. Learned APP for the State and learned counsels for respondent No. 2 in respective petitions appear on advance notice and accept notice.
4. In brief, as per facts disclosed in CRL.M.C. 5221/2024 petitioner 'Ms. M.' was an employee at VOS Technologies (India) Pvt. Ltd., wherein, Vikash Kumar Jha (respondent No. 2) was COO (Chief Operating Officer).



FIR No. 0160/2019 dated 28.05.2019 was registered at instance of company against petitioner 'Ms. M.' under Section 408 IPC on account of non-return of laptop, mobile and other articles by her, after returning from an exhibition at Mumbai. Apprehension was expressed of misusing / leaking of data of the company by the petitioner.

5. FIR No. 0161/2019 dated 28.05.2019 was thereafter registered at instance of 'Ms. M.' (petitioner in CRL.M.C. 5221/2024) against Vikash Kumar Jha (petitioner in CRL.M.C. 5190/2024), alleging outraging of modesty.

6. Learned counsel for petitioners in respective petitions submit that disputes have arisen primarily during course of employment and have been amicably settled between the parties in terms of deed dated 08.05.2024. It is further urged that career of both employees would be adversely impacted, in case, proceedings are permitted to continue. Further, the devices alleged to be in possession of 'Ms. M.' are stated to have been handed over to the company.

7. Petitioners in the present case seek to invoke the powers under Section 482 of the 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 generalized 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.

8. It may also be observed that heinous and serious offences involving



mental depravity or offences such as murder, rape and dacoity cannot be appropriately quashed despite settlement. However, distinguished from serious offences, the offences which have predominant element of civil dispute or offences involving minor incidents, where the complainant/victim also stands compensated for loss, if any, stand on a different footing, so far as exercise of inherent powers under Section 482 Cr.P.C. is concerned. The High Court also is not foreclosed from examining as to whether there exists material for incorporation of such an offence or as to whether there is sufficient evidence which if proved would lead to proving the charge for the offence charged with. It may also be assessed, if in view of compromise between the parties, the possibility of conviction in such a case is remote and whether continuation of proceedings would cause grave oppression and prejudice the accused.

9. Petitioner and respondent No. 2/complainant in respective petitions are present in person and have been identified by SI Sandeep Singh, PS: Ranjit Nagar. I have interacted with the parties and they confirm that the matter has been amicably settled between them without any threat, pressure or coercion.

10. Parties intend to put quietus to the proceedings arising out of employment. The settlement shall promote harmony between the parties and permit them to move forward in life. Also the chances of conviction are bleak in view of amicable settlement between the parties. Further, no past involvement of the petitioners has been brought to the notice of this Court.

11. 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. 0161/2019, under



2024:DHC:5134



Sections 354/354A IPC and FIR No. 0160/2019, under Section 408 IPC, both registered at P.S.: Subhash Place, New Delhi and 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 learned Trial Court for information.

ANOOP KUMAR MENDIRATTA, J.

JULY 10, 2024/R