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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 270/2024 & CRL.M.A. 1065/2024**
KOHINOOR MANDAL

..... Petitioner

Through: Mr.Rajiv Ranjan, Adv. along
with petitioner present through
VC.

versus

STATE GOVERNMENT OF NCT OF DELHI & ORS.

..... Respondents

Through: Mr.Shoaib Haider, APP along
with Mehnish Zia, Adv.
SI Manish Kumar, NR-I/Crime
Branch.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER
16.05.2024

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1. This petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 (in short, 'Cr.P.C.') seeking quashing of FIR No.0172/2017 registered at Police Station: Crime Branch, Delhi under Section 295A of the Indian Penal Code, 1860 (in short, 'IPC'), along with all other proceedings arising therefrom, on the basis of settlement.
2. The above FIR has been filed on a complaint of the respondent nos.2 and 3, complaining of an advertisement that was published in the Bengali newspaper on 01.09.2017 by the petitioner, who is running a hair and beauty salon in Kolkata, for hurting religious sentiments.



3. It is the case of the petitioner that the petitioner immediately realizing the folly, had published an unconditional apology on 06.09.2017 in the same newspaper where the impugned advertisement was published. Despite the unconditional apology, the FIR has been registered.

4. The petitioner further submits that thereafter, respondent nos.2 and 3 have also given a letter to the Investigating Officer (IO) stating that as the petitioner had tendered the public apology therefore, they do not wish to pursue their complaint any further. The above letter sent by the respondent no.2 and 3 is annexed as Annexure P - 4 in the present petition.

5. Notice on this petition was issued to respondent nos.2 and 3. In spite of the same, none is appearing for respondent nos.2 and 3. As noted hereinabove, they already expressed their no objection on the quashing of the FIR.

6. I have perused the contents of the FIR and considered the submissions made. I find the apology that has been tendered by the petitioner to be genuine.

7. Keeping in view the fact that the respondent nos.2 and 3 do not wish to pursue their complaint any further, as also the No Objection given by them, I find that no useful purpose shall be served in continuing with the proceedings of the present FIR as it would create further acrimony between the parties and will be an unnecessary burden on the State exchequer.

8. Guided by the principles enunciated by the Supreme Court in its judgments in *Gian Singh v. State of Punjab*, (2012) 10 SCC 303;



Parbatbhai Aahir @ Parbatbhai Bhimsinbhai Karmur & Ors. v. State of Gujarat & Ors. (2017) 9 SCC 641; and, ***State of Haryana & Ors. v. Bhajan Lal & Ors.*** 1992 Supp (1) SCC 335, this Court deems it appropriate, in the interest of justice, to exercise its inherent powers under Section 482 of the Cr.P.C. to quash the FIR and all the proceedings emanating therefrom.

9. Accordingly, the petition is allowed. FIR No.0172/2017 registered at Police Station: Crime Branch, Delhi under Section 295A of the IPC and all consequential proceedings emanating therefrom against the petitioner are quashed.

NAVIN CHAWLA, J

MAY 16, 2024/rv/ss

Click here to check corrigendum, if any