



2024:DHC:7825



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 08.10.2024

+ CRL.M.C. 7974/2024

ANKIT BANSAL

.....Petitioner

Through: Mr. Rajpal Kasana, Mr. Anshul Garg
and Ms. Priya Garg, Advocates with
Petitioner-in-person.

versus

STATE GOVT. OF NCT OF DELHI AND ANR.Respondents

Through: Mr. Manoj Pant, APP for State with
SI Richa Sharma, PS: Cyber North,
Special Cell, NR.
Mr. Rajesh Rathod, Adv. for R-2 with
Respondent No. 2 (through VC).

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)****CRL.M.A. 30424/2024**

Exemption allowed, subject to just exceptions.

Application stands disposed of.

CRL.M.C. 7974/2024

1. Petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS') has been preferred on behalf of the petitioner for quashing of FIR No.0074/2022, under Sections 469/500/509 IPC, registered at PS: Cyber Police Station North and proceedings emanating therefrom.

2. Issue notice. Learned APP for the State and learned counsel for respondent No. 2 along with respondent No. 2 through VC appear on



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advance notice and accept notice.

3. In brief, as per the case of prosecution, present FIR was registered on complaint of respondent No. 2, who alleged that about 3/4 months prior to her marriage in February, 2022, she was told by her friends that someone had been enquiring about her husband via different Instagram IDs. After marriage, she came to know that someone has been using an Instagram ID to send obscene videos of her to her in-laws after editing.

4. Learned counsel for petitioner submits that petitioner had earlier known the family of respondent No. 2, since there were some talks in respect of matrimonial alliance with respondent No.2, but the same could not be finalized. He further submits that petitioner, who is present in person, expresses remorse and apologizes for the same. It is further pointed out that disputes between the parties have been amicably settled in terms of settlement deed dated 23.08.2024 and petitioner has clean past antecedents.

5. Respondent No. 2 (through VC) submits that since the disputes have been amicably settled between the parties, she no objection in case the FIR is quashed.

6. Learned APP for the State submits that in view of amicable settlement between the parties, he has no objection in case the FIR in question is quashed.

7. Petitioner in the present case seeks 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 (through VC) have been identified by SI Richa Sharma, PS: Cyber North, Special Cell. I have interacted with the parties and they confirm that the matter has been amicably settled between them without any threat, pressure or coercion. Respondent No. 2 also submits that since all the disputes between the parties have been amicably settled, she has no objection in case the FIR in question is quashed.

10. Petitioner and respondent No. 2 intend to put quietus to the proceedings. The settlement shall promote harmony between the parties. Also the chances of conviction are bleak in view of amicable settlement



between the parties. Further, no past involvement of the petitioner 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. 0074/2022, under Sections 469/500/509 IPC, registered at PS: Cyber Police Station North and proceedings emanating therefrom stand quashed.

12. In the facts and circumstances, instead of imposing the costs upon the petitioner, he is directed to plant 50 saplings of Neem trees, which are upto 03 feet in height in the area of Cyber North, Special Cell, NR, after getting in touch with the competent authority (i.e. Horticulture Department of MCD / DDA/ Conservator of Forests, Department of Forests & Wildlife, Govt. of NCT of Delhi) through IOs / SHOs, PS: Cyber North, Special Cell, NR. The photographs of planted saplings alongwith report of IOs / SHOs concerned shall be forwarded to this Court within eight weeks. Further, the upkeep of the saplings / trees shall be undertaken by the authorities concerned. In case of non compliance of directions for planting of trees, petitioners in respective petitions shall be liable to deposit cost of Rs. 50,000/- with the Delhi State Legal Services Authority.

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.

OCTOBER 08, 2024/R