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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 271/2025 & CRL.M.A. 1366/2025**
NOSHAD AHEMADPetitioner

Through: Mr. Raj Kumar and Mr. Ahmed,
Advocates with Petitioner (in-
Person).
versus

THE STATE GOVT. OF NCT OF DELHI AND ORS.

.....Respondents
Through: Mr. Hemant Mehla, APP for State.
SI Anugrah, P.S. Welcome.
Ms. Saira Parveen, Advocate for R-2
& 3 with R-2 & R-3 (in-Person).

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER
30.04.2025

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1. The present petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (formerly Section 482 of the Code of Criminal Procedure, 1973²) seeks quashing of FIR No. 0699/2022 dated 31st October, 2022 under Sections 66E, 67 and 67(A) of the Information Technology Act, 2000³ as well as Section 292 of the Indian Penal Code, 1860⁴, registered at P.S. Welcome, Delhi, on the basis of the compromise between the parties.
2. Briefly stated the case of the prosecution is that the subject FIR was registered on a compliant made by Respondent No. 2 - Sh. Saleem Ansari,

¹ "BNSS"
² "Cr.P.C."
³ "IT Act"
⁴ "IPC"



who alleged that on 16th March, 2021, he received a call from one Sehzaad Ansari who informed him that an obscene video of the Complainant's son – Sh. Mohd. Abdulla Ansari, was being circulated on WhatsApp. Subsequently, the Complainant received similar calls from family members and other people known to him regarding an obscene video being circulated on WhatsApp. These persons stated that they received the said video from one WhatsApp number – xxxxxxxx81 which belongs to the Petitioner herein. Therefore, it was urged that the Petitioner intentionally and deliberately transmitted and circulated the obscene video on social media to lower the reputation of the Complainant and his family members and thereby committing the offence under Section 67 of the IT Act. Consequently, based on the said complaint, the subject FIR was registered.

3. The parties state that they have mutually and amicably resolved the present dispute and a compromise deed dated 21st December, 2024, to this effect has been executed between the Petitioner and the Complainant. The Petitioner further submits that he has explained to the Complainant that the alleged video in circulation was not created by him. The video was already in circulation before the Petitioner further circulated the same. In any event, the Petitioner has now apologized to the Complainant for his conduct.

4. The Complainant, who is present before the Court in person and is identified by his counsel, states that the Petitioner's apology has been accepted by him. He further confirms the settlement and states that he has no objection to the quashing of the FIR.

5. The concerned Investigating Officer, who is also present before the Court, states that as per his knowledge all traces of the alleged obscene video have been removed from circulation.



6. The Court has considered the submissions of the parties. While the offence under Section 66E of the IT Act is compoundable as per Section 77A of the IT Act, the offences under Sections 67 and 67(A) of the IT Act and Section 292 of the IPC are non-compoundable. However, it is well settled that in the exercise of its inherent powers under Section 482 CrPC (now Section 582 BNSS), the Court may, in appropriate cases, quash proceedings in respect of non-compoundable offences if the parties have reached a genuine settlement and no overarching public interest is adversely affected. The Supreme Court in *Gian Singh v. State of Punjab & Anr.*⁵ has held as follows:

“11. As discussed above, offence punishable under Section 186/332/353 of the IPC are non-compoundable being of serious nature, however, if the Court feels that continuation of criminal proceedings will be an exercise in futility and justice in this case demands that the dispute between the parties is put to an end and peace is restored, it can order for quashing of the FIR or criminal proceedings as it is the duty of the Court to prevent continuation of unnecessary judicial process.

12. In view of the law discussed above, considering the Settlement arrived at between the parties and the statements of respondent no.1 & 2, I am of the considered opinion that this matter deserves to be given a quietus as continuance of proceedings arising out of the FIR in question would be an an exercise in futility.”

[Emphasis added]

7. Further, in *Narinder Singh & Ors. v. State of Punjab & Anr.*,⁶ the Supreme Court held as follows:

“29. In view of the aforesaid discussion, we sum up and lay down the following principles by which the High Court would be guided in giving adequate treatment to the settlement between the parties and exercising its power under Section 482 of the Code while accepting the settlement and quashing the proceedings or refusing to accept the settlement with direction to continue with the criminal proceedings:

⁵ (2012) 10 SCC 303

⁶ (2014) 6 SCC 466



29.1. Power conferred under Section 482 of the Code is to be distinguished from the power which lies in the Court to compound the offences under Section 320 of the Code. No doubt, under Section 482 of the Code, the High Court has inherent power to quash the criminal proceedings even in those cases which are not compoundable, where the parties have settled the matter between themselves. However, this power is to be exercised sparingly and with caution.

29.2. When the parties have reached the settlement and on that basis petition for quashing the criminal proceedings is filed, the guiding factor in such cases would be to secure:

(i) ends of justice, or

(ii) to prevent abuse of the process of any court.

While exercising the power the High Court is to form an opinion on either of the aforesaid two objectives.

29.3. Such a power is not to be exercised in those prosecutions which involve heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. Such offences are not private in nature and have a serious impact on society. Similarly, for the offences alleged to have been committed under special statute like the Prevention of Corruption Act or the offences committed by public servants while working in that capacity are not to be quashed merely on the basis of compromise between the victim and the offender.

29.4. On the other hand, those criminal cases having overwhelmingly and predominantly civil character, particularly those arising out of commercial transactions or arising out of matrimonial relationship or family disputes should be quashed when the parties have resolved their entire disputes among themselves.

29.5. While exercising its powers, the High Court is to examine as to whether the possibility of conviction is remote and bleak and continuation of criminal cases would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal cases.”

[Emphasis Supplied]

8. Although the offence under Section 67 of the IT Act and Section 292 of the IPC cannot be treated as strictly ‘*in personam*’, as it touches upon public concerns rather than being confined to individual grievances, the Court must also account for the practical realities of securing a conviction in the present case. The Supreme Court has consistently held that in cases where the complainant has entered into a voluntary and *bona fide* settlement, and is no longer inclined to support the prosecution, the prospect of securing



a conviction becomes exceedingly remote. In such circumstances, continuing the prosecution may not only prove futile, but would also serve no worthwhile public interest. The Complainant in the present case has categorically expressed his unwillingness to pursue the matter further and has confirmed the settlement as voluntary and devoid of any coercion. Given this background, the continuation of criminal proceedings would amount to an empty formality, adding to the burden of the justice system and consuming public resources unnecessarily. Having regard to the totality of circumstances, and in view of the legal principles laid down by the Supreme Court, this Court finds the present case to be an appropriate one for exercise of jurisdiction under Section 482 of the Cr.P.C. to secure the ends of justice.

9. In view of the foregoing, the present petition is allowed and FIR No. 0699/2022 dated 31st October, 2022 under Sections 66E, 67 and 67(A) of the IT Act as well as Section 292 of the IPC, registered at P.S. Welcome, Delhi, as well as all consequential proceedings arising therefrom are hereby quashed.

10. The Petitioner shall deposit INR 10,000 to the Complainant and shall pay an amount of INR 5,000/- to the Delhi Police Welfare Fund.

11. In view of the above, the petition is disposed of along with pending applications.

SANJEEV NARULA, J

APRIL 30, 2025

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