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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CRL.M.C. 77/2025, CRL.M.A. 408/2025

NAMAN JAIN AND ANR.

.....Petitioners

Through: Mr. Bonny Mehra, Advocate along with
petitioner in person .

versus

STATE (GOVT OFNCT OF DELHI) AND ANR.Respondents

Through: Ms. Kiran Barva, APP for State
alongwith IO, Police Station - Shahdara.
Mr. Ravish Kumar Goyal, Ms. Karishma
Sharma, Advocates for respondent no. 2
alongwith R-2 in person.

CORAM:

HON'BLE MR. JUSTICE ARUN MONGA

ORDER

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01.08.2025

CRL.M.A. 408/2025

1. Petitioner herein seeks quashing of an FIR No. 131/2023 dated 28.11.2023, lodged at cyber police station Shahdara, Delhi and all other consequential proceedings for offences under sections 469, 509 of IPC, on the basis of compromise arrived between the parties vide memorandum of understanding dated 09.10.2024. Allegations have their genesis to the matrimonial acrimony between Petitioner No. 1 and Respondent No. 2.
2. That the petitioner no.1(husband) and respondent no. 2(wife) got married on 28.11.2022. Due to their differences the parties separated from each other in July, 2023. No child was born out of the wedlock.

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3. Per FIR, it is alleged by the respondent 2/ complainant that obscene and obnoxious posts and messages were being sent from an Instagram ID. That at first, the FIR came to be registered against unknown persons. Subsequently, petitioner 1 (husband of the respondent) and petitioner 2 (father of petitioner 1) herein were arrayed as accused.

2.1 Subsequently, Memorandum of Understanding dated 09.10.2024 was executed between petitioner 1 and respondent 2 whereby they agreed to for dissolution of their marriage and quashing of impugned FIR.

4. In the aforesaid backdrop, I have heard the rival contentions and perused the case file.

5. Learned counsel for the petitioner submits that in view of the compromise between the parties, respondent no. 2 is not inclined to press charges against the petitioner and proceed further in the matter. Learned counsel places reliance on a decision of the Supreme Court in the case of **Gian Singh vs State of Punjab and Anr**¹. He urges that the impugned FIR and all consequential proceedings may thus be quashed.

6. Parties are present in court. I have interacted with petitioner no. 1 and respondent no. 2. It appears that they have entered into the settlement without duress and coercion. Respondent no. 2 candidly submits that she is not interested to press charges qua the petitioners and consents to quashing of the FIR in question.

7. Regarding compliance of the terms of the settlement, she submits that a demand draft of rupees 5 lakhs has been handed over along with a cheque dated

¹(2012) 10 SCC 303



15.09.2025 for an amount of rupees 4 lakhs to be encashed after the conclusion of the proceedings of the family court and after the grant of decree of divorce by mutual consent under section 13(B) of Hindu Marriage Act, for which second motion is likely to be filed in due course.

8. Learned APP appearing for the prosecution submits that in view of the settlement arrived between the parties, further criminal proceedings would unnecessarily be a burden on the prosecution as well as the judiciary.

9. In the premise, applying the ratio in decision of *Gian Singh (supra)*, I deem it just and proper to invoke inherent powers of this court under Section 528 of BNSS to avoid undue hardship to the private parties for mutual good relations and societal peace. Given the nature of dispute, further proceedings would be abuse of process of law.

10. In course of the investigation, a mobile phone belonging to the petitioner no.1 was seized by the Investigating Officer and the same be also returned in view of quashing of the FIR. Investigating Officer is present and is directed to return the mobile phone to the petitioner upon his approaching him for the needful.

11. Accordingly, the present misc. petition is allowed. FIR No. 131/2023 dated 28.11.2023, lodged at cyber police station Shahdara, Delhi, and all other consequential proceedings for offences under Sections 469, 509 of IPC, against the petitioners are hereby quashed.

12. Pending application(s), if any, also stand disposed of.

ARUN MONGA, J

AUGUST 1, 2025/nk

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