

(2022) 12 DEL CK 0231

In the Delhi High Court

Case No : Criminal Miscellaneous Case No. 6826 Of 2022, Criminal
Miscellaneous Application No. 26459 Of 2022

Saurabh Gopal

APPELLANT

Vs

State Nct Of Delhi And Anr.

RESPONDENT

Date of Decision : 15-12-2022

Acts Referred:

Information Technology Act, 2000 — Section 66C, 67A
Code Of Criminal Procedure, 1973 — Section 482

Citation : (2022) 12 DEL CK 0231

Hon'ble Judges : Dinesh Kumar Sharma, J

Bench : Single Bench

Advocate : Gajendra, Amit Sahni, Vinay Panday, Deepali Mittal, Kailash Mittal

Judgement

Dinesh Kumar Sharma, J

1. The present petition has been filed for quashing FIR No.525/2020 under Section 66C/67(A) IT Act registered at PS Palam Village. The FIR was lodged at the statement of respondent no. 2 namely Ms. Vandana Sharma wherein she alleged that she was receiving vulgar messages and threats on her Facebook accounts.

2. The Investigating Officer states that during the investigation, it was found that the accused is the neighbour of respondent no. 2/complainant and had created a fake e-mail ID from which he was sending messages to Respondent no.2/complainant.

3. The Learned Counsels for both parties submit the case is under trial. However, with the intervention of common friends and relatives, parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

4. The scope of powers conferred under Section 482 Cr.P.C. though wide but has to be exercised with circumspection. Such power has to be exercised in accord with the guidelines engrafted in such power viz.: (i) to secure the ends of justice,

or (ii) to prevent abuse of the process of any court. In cases where the offences are not compoundable in nature, the parties on account of an amicable settlement invoke the inherent power under Section 482 Cr.P.C. for quashing the proceedings on the plea that continuance thereof would merely be an abuse of process of law.

5. In *Yashpal Chaudhrani and Others vs. State (Govt. of NCT Delhi) and Another*, 2019 SCC OnLine Del 8179, while examining the scope of Section 482 Cr.P.C it was inter alia held the inherent jurisdiction vested in the High Court, as recognized and preserved by Section 482 Cr. PC, is primarily to "prevent abuse of the process of court" or to "otherwise secure the ends of justice". The ends of justice are higher than the ends of mere law, the prime principle governing the exercise of inherent power being "to do real, complete and substantial justice" for which the court exists.

6. The Court has to bear in mind that when the chances of an ultimate conviction are bleak and, no useful purpose is likely to be served by allowing a criminal prosecution to continue, it may while taking into consideration the special facts of a case quash the proceedings. In this regard, reliance can be placed upon *Madhavrao Jiwajirao Scindia v. Sambhajirao Chandrojiroo Angre*, (1988) 1 SCC 692.

7. I have interacted with Respondent No. 2/Complainant who is present in court and has duly been identified by the IO. She states that subsequent to the registration of the above-mentioned FIR, she has gotten married and does not want to continue with the case and has, therefore, settled the matter with the petitioner, voluntarily without any fear, undue influence or coercion. The affidavit of Respondent no. 2/complainant has also been placed on record wherein she has stated that she has no objection if FIR No.525/2020 under Section 66C/67(A) IT Act registered at PS Palam Village.

8. The Petitioner is also present in court and he states that he is a B.Tech graduate and is currently employed in a company. He states that he has rendered an unconditional apology to the complainant. He also states that such an act will not be repeated in future.

9. In view of the above submissions made by the parties, in my considered opinion, no purpose would be served if the proceedings are allowed to be continued as the complainant does not seem to be going to support the case of the prosecution.

10. Accordingly, FIR No.525/2020 under Section 66C/67(A) IT Act registered at PS Palam Village and all proceedings emanating therefrom are quashed. However, the petitioner is burdened with the cost of Rs.10,000/- to be deposited with the Advocate Welfare Fund.