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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CRL.M.C. 5683/2024**

MR CHIRAGUDDIN

.....Petitioner

Through: Md. Rashid, Mr. S.P. Sharma, Md.
Shamin, Ms. Nargis Jahan,
Advocates.

versus

STATE GOVT. OF NCT OF DELHI & ANR.Respondents

Through: Mr. Tarang Srivastava, APP for the
State.

Mr. Asif Ahmad Siddique, Advocate
for R-2/Complainant.

(IO appearance not given)

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

% **26.07.2024**

CRL.M.A. 21721/2024 (Exemption)

Allowed, subject to all just exceptions.

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1. The Petitioner has approached this Court for quashing the FIR No.279/2014 dated 05.04.2014, registered at Police Station Paschim Vihar for offences punishable under Sections 509 IPC and Section 67A of the IT Act on the ground that the parties have entered into an amicable settlement.

2. Material on record indicates that the Respondent No.2/complainant herein was receiving obscene messages from certain numbers and, therefore,

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on the complaint of the Respondent No.2, the present FIR has been registered against the Petitioner.

3. It is stated that the parties have settled all their disputes amicably by a Memorandum of Understanding (MoU) dated 30.04.2024. A copy of the said Memorandum of Understanding (MoU) dated 30.04.2024 has been annexed with the present petition as Annexure-P-3. As per the MoU, the parties have agreed to settle all their disputes amicably and it is stated that the Respondent No.2/complainant does not have any objection if the present FIR and all the proceedings emanating therefrom are quashed in terms of the Settlement.

4. The Petitioner and Respondent No.2/complainant are present in Court today. They have been identified by their respective Counsel and the Investigating Officer. Respondent No.2/complainant, who is present in Court today, states that she has settled all her disputes with the Petitioner out of her own free will, without pressure, coercion or undue influence and does not want to pursue the present case any further and requests that the present FIR and the proceedings emanating therefrom may be quashed. The parties undertake that they will remain bound by the terms of the settlement arrived at between them and the proceedings recorded before this Court.

5. In view of the law laid down by the Supreme Court in Gian Singh vs. State of Punjab, (2012) 10 SCC 303 and in view of the settlement arrived at between the parties, this Court is of the opinion that no useful purpose would be served in continuing with the present proceedings. Resultantly, the FIR No.279/2014 dated 05.04.2014, registered at Police Station Paschim Vihar for offences punishable under Sections 509 IPC and Section 67A of



the IT Act and the proceedings emanating therefrom are hereby quashed. The parties shall remain bound by the terms of the settlement and the undertaking given to the Court.

6. Considering the nature of offence, this Court is of the opinion that the Petitioner cannot be left scot free only because the Respondent No.2/complainant has decided to enter into a settlement with the Petitioner. The Petitioner has to atone for his sins and must realize that he cannot take the Courts for granted and the Petitioner cannot get a feeling that he could get away with the crime by entering into a settlement with the victim. This Court is, therefore, inclined to impose costs of Rs.25,000/- on the Petitioner so that the Petitioner does not repeat such kind of offences in future. Accordingly, the Petitioner is directed to deposit a sum of Rs.25,000/- with the “*Armed Forces Battle Casualties Welfare Fund*” within four weeks from today. A copy of the receipt be given to the Investigating Officer and also be filed with the Registry of this Court to show compliance of the Order within four weeks thereafter.

7. This Court also feels it necessary that the Petitioner must do some community service. Accordingly, the Petitioner is directed to do community service in the following manner:-

- i. The Petitioner shall do community service at Jyotiba Phule Old Age Home for Senior Citizens for a period of one month, i.e., from 01.09.2024 to 30.09.2024. The Petitioner shall perform such duties as assigned to him at Jyotiba Phule Old Age Home for Senior Citizens from 09:00AM everyday for a period of one month and shall obtain a certificate from the Jyotiba Phule Old



Age Home for Senior Citizens after the completion of one month and shall file the same before this Court to show compliance of the order of this Court.

- ii. The Petitioner is directed to do community service at LNJP Hospital for a period of one month i.e. from 01.10.2024 to 31.10.2024. The Petitioner shall report to the Medical Superintendent, LNJP Hospital on 01.10.2024. The Petitioner shall report to the duty assigned to him by Medical Superintendent, LNJP Hospital at 09:00 AM everyday for a period of one month. After completion of one month community service, a certificate from the Medical Superintendent, LNJP Hospital be also filed to show compliance of the order of this Court.
- iii. The Petitioner is also directed to do community service at Udayan Care-Orphanage, Mayur Vihar, for a period of one month, i.e., from 01.11.2024 to 30.11.2024. The Petitioner shall perform such duties as assigned to him at the orphanage centre from 09:00AM everyday for a period of one month and shall obtain a certificate from the Orphanage after completion of one month and shall file the same before this Court to show compliance of the order of this Court.

8. In case of any absenteeism/default or any misbehaviour on the part of the Petitioner during the period he has been directed to perform the community service, the same shall be conveyed immediately to the concerned SHO/IO, who shall in turn inform the learned APP for the State,



for bringing the same to the notice of this Court and for seeking recall of the order passed today.

9. The Petitioner is also directed to plant 50 trees on his own expense in his locality and nurture them. The Investigating Officer is directed to ensure that the trees are planted by the Petitioner and a Compliance Report regarding the same shall also be filed before this Court.

10. With the above directions, the petition is disposed of, along with the pending application(s), if any.

SUBRAMONIUM PRASAD, J

JULY 26, 2024

S. Zakir