

Lalit Bhola vs.state & Anr

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SooperKanoon Citation : sooperkanoon.com/1218708

Court : Delhi

Decided On : Oct-12-2018

Appellant : Lalit Bhola

Respondent : State & Anr

Judgement :

.....

... Petitioner

versus Judgment delivered on:

12. 10.2018 CRL.M.C. 5266/2018 LALIT BHOLA \$~79 * IN THE HIGH COURT OF DELHI AT NEW DELHI % + Advocates who appeared in this case: For the

... Petitioner

s : For the

... RESPONDENTS

: Mr. Panna Lal Sharma, APP for the State. Mr. Puneet Maheshwari, Advocate for respondent No.2 with respondent No.2 in person. Insp. Sahib Singh, PS Sarai Rohilla. Mr. M.P. Sinha with Mr. Girik Tolani and Mr. Yatharth Sinha, Advocates.

.....

... RESPONDENTS

STATE & ANR CORAM:-

"HONBLE MR JUSTICE SANJEEV SACHDEVA JUDGMENT1210.2018
SANJEEV SACHDEVA, J.

(ORAL) CrI.M.A.34255/2018 (exemption) Exemption is allowed subject to all just exceptions. CRL.M.C. 5266/2018 1. The petitioner seeks quashing of FIR No.917/2015, under Section 66C Information Technology Act, 2000 (IT Act for short) Police Station Sarai Rohilla, based on a settlement. CRL.M.C.5266/2018 Page 1 of 3 2. The allegations against the petitioner are that petitioner created fake online accounts in the name of the complainant on websites which are used for sale and purchase of commodities and thereafter while giving a description of the complainant, expressed desire for a companion. Complainant is alleged to have received humiliating messages thereafter.

3. Learned counsel for the petitioner submits that subject FIR is an offshoot of a matrimonial dispute. It is contended that parties have settled their disputes and Settlement Agreement dated 16.07.2018 has been executed between the parties.

4. Respondent No.2 is present in Court in person, represented by counsel and is identified by the Investigating Officer. She submits that she has arrived at a holistic settlement with the petitioner and does not wish to prosecute the complaint.

5. The allegations in the FIR about the conduct of the petitioner are shocking, I am inclined to quash the complaint solely for the reason that continuation of the proceedings would be further humiliating and traumatic for respondent No.2. She has settled her disputes with the petitioner and has expressed her desire not to prosecute the complaint any further. Facts of the case show how big the heart of a woman is. She even after being humiliated at the hands of her husband is willing to forgive him and forget his conduct. CRL.M.C.5266/2018 Page 2 of 3 6. Keeping in view the allegations and in the facts and circumstances of the case, I am inclined to impose cost which would act as a deterrent to the petitioner so that he does not repeat his conduct in future.

7. In view of the above, the petition is allowed. FIR No.917/2015, under Section 66C IT Act, Police Station Sarai Rohilla, Delhi and the consequent proceedings emanating there from are quashed, subject to petitioner depositing costs of

Rs.1,00,000/- with the Chief Ministers Distress Relief Fund (CMDRF), Kerala, within a period of three weeks from today. Receipt of deposit of the costs imposed by this Order be furnished to the concerned Investigating Officer within a period of four weeks from today.

8. Order Dasti under the signatures of the Court Master. OCTOBER12 2018 st
SANJEEV SACHDEVA, J.

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