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

+ **W.P.(CRL) 1667/2016**

PARVEEN JAGLAN & ORS. Petitioners

Through: Mr.Sanjay Singh, Advocate with
petitioners in person

versus

STATE & ANR. Respondents

Through: Ms.Nandita Rao, A.S.C. for the State
with SI Devender PS Lajpat Nagar
Mr.Abhishek Goyal, Adv. for R-2
with R-2 in person

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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26.05.2016

CRL.M.A.8678/2016

Exemption allowed, subject to all just exceptions.

Application stands disposed of.

W.P.(CRL) 1667/2016

1. By way of this writ petition filed under Article 226 of the Constitution of India, read with Section 482 Cr.P.C., petitioners are seeking quashing of case FIR No. 198/2015, under Section 469 IPC, registered at PS Lajpat Nagar.

2. The aforementioned FIR has been registered in respect of the birth certificate pertaining to son of petitioner No.1 and the complainant/respondent No.2.

3. Earlier the case FIR No. 275/2014 under Sections 406/498-A/34 IPC was registered at PS Najafgarh. The parties have entered into settlement before Mediation Centre, Dwarka Courts, New Delhi. The petitioner No.1 is now residing at her matrimonial home with respondent No.2.
4. It has been prayed that in view of the settlement between the parties and that the complainant and his wife, petitioner No.1 are living happily, this FIR No.198/2015 PS Lajpat Nagar may also be quashed.
5. Both the parties i.e. petitioner No.1 and respondent No.2 have filed their affidavits today undertaking therein that they will not use birth certificate bearing MCD Registration No. MCDOLR10127887 issued on 17th March, 2010 showing the name of their son as “Namt” anywhere as birth proof. In the affidavits, they have also undertaken that correct name of their son is “Akshay Jaglan” and his date of birth is 17th March, 2009.
6. The FIR registered against the present Petitioners is for committing the offence punishable under Section 469 IPC. Offence punishable under Section 469 IPC is a non-compoundable offence. In the decision in the case of **Gian Singh v State of Punjab & Anr. 2012 (9) SCALE 257**, the three Judges Bench of the Supreme Court dealing with the issue of quashing of FIR has observed as under:-

“57. The position that emerges from the above discussion can be summarised thus: the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences Under Section 320 of the Code. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz; (i) to secure the ends of justice or (ii) to prevent abuse of the process of any Court. In what cases power to quash the criminal proceeding or complaint or F.I.R may be exercised where the offender and victim have settled their dispute

would depend on the facts and circumstances of each case and no category can be prescribed. However, before exercise of such power, the High Court must have due regard to the nature and gravity of the crime. Heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. cannot be fittingly quashed even though the victim or victim's family and the offender have settled the dispute. Such offences are not private in nature and have serious impact on society. Similarly, any compromise between the victim and offender in relation to the offences under special statutes like Prevention of Corruption Act or the offences committed by public servants while working in that capacity etc; cannot provide for any basis for quashing criminal proceedings involving such offences. But the criminal cases having overwhelmingly and predominatingly civil favour stand on different footing for the purposes of quashing, particularly the offences arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry, etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In this category of cases, High Court may quash criminal proceedings if in its view, because of the compromise between the offender and victim, the possibility of conviction is remote and bleak and continuation of criminal case would put accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceeding or continuation of the criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between the victim and wrongdoer and whether to secure the ends of justice, it is appropriate that criminal case is put to an end and if the answer to the above question(s) is in affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding.”

7. In view of the legal position laid down in *Gian Singh's case* (Supra) and amicable settlement arrived at between the parties, I am of the considered view that no useful purpose would be served by continuing the criminal proceedings against the petitioners, which will only be an exercise in futile and wastage of precious time of the Court.

8. Accordingly, the petition is allowed and case FIR No. 198/2015, under Section 469 IPC, registered at PS Lajpat Nagar and consequential proceedings arising therefrom are hereby quashed.

9. Order dasti.

PRATIBHA RANI, J.

MAY 26, 2016

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