



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

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*Reserved on: 07th November, 2025
Pronounced on: 09th February, 2026*

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W.P.(CRL) 280/2024, CRL.M.A. 2546/2024

1. Mr. MIRZA IBRAHIM BAIG (SENIOR CITIZEN)

S/o Late Mirza Mohd. Ayyub Baig

2. Mr. MIRZA MEHMOOD BAIG

S/o Shri Mirza Ibrahim Baig

3. Mr. MIRZA ADEEL BAIG

S/o Shri Mirza Ibrahim Baig

4. Mr. MIRZA MOID BAIG

S/o Shri Mirza Ibrahim Baig

5. Mr. MIRZA JUNAID BAIG

S/o Shri Mirza Ibrahim Baig

6. Mr. MIRZA ADNAN BAIG

S/o Shri Mirza Ibrahim Baig

All r/o:

N-42, N-Block, Abul Fazal Enclave,
Part-I, Jamia Nagar,
Okhla, New Delhi-110025

.....Petitioners

Through: Mr. M. Hasibuddin and Mr. Sourav
Ghosh, Advocates.

Versus



1. **THE STATE (GOVT. OF NCT OF DELHI)**
Through SHO, P.S: Shaheen Bagh, New Delhi
E-Mail: dhcprosecutiondelhipolice@gmail.comRespondent No. 1
2. **Mr. MIRZA ISLAM BAIG**
S/o Late Mirza Mohd. Ayyub Baig
R/o House No.4469, 3rd Floor
Gali Shahtara, Ajmeri Gate
Delhi- 110006
E-Mail: mirza.asad.352ma.ma@gmail.comRespondent No. 2
Through: Mr. Sanjay Lao, Standing Counsel for State.
Mr. Mohit Chaudhary, Advocate for R-2.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T

NEENA BANSAL KRISHNA, J.

1. The present Writ Petition has been filed by the Petitioners under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 (*hereinafter referred to as "Cr.P.C."*), for quashing of **FIR No. 0401/2023** dated 19.11.2023, registered under Sections 420/467/468/471/34 of the Indian Penal Code (*hereinafter referred to as "IPC"*) at Police Station Shaheen Bagh.
2. The impugned FIR was registered in compliance with the Order dated **17.11.2023** under Section 156(3) Cr.P.C., on an Application filed by Respondent No. 2/ Mr. Mirza Islam Baig, passed by the Ld. MM (South-East District), Saket Court, New Delhi, in *CT Case No. 2971/2018*.



3. The **factual matrix** indicates a long-standing family property dispute between Petitioner No. 1/Mr. Mirza Ibrahim Baig, about 78 years and his younger brother, Respondent No. 2/Mr. Mirza Islam Baig. The other Petitioners (Nos. 2 to 6) are the sons of Petitioner No. 1.
4. It is the case of the Petitioners that Petitioner No. 1 purchased the a plot of land measuring approximately 430 sq. yards situated at Plot No. 42-43, Jasola Nala, Main Road, Abul Fazal Enclave, Okhla, New Delhi-110025 ("*Suit Property*") in the year 1985, from his own funds, in the name of his wife and mother. On the other hand, Respondent No. 2 alleges that the property was purchased jointly by him and Petitioner No. 1 in 1985, from the Original Vendor/Jagan Singh.
5. It is submitted that on the basis of such false assumption, filed frivolous Complaint before the SHO, Police Station Jamia Nagar. However, considering the contents, the Police did not take any action.
6. Subsequently, Respondent No. 2 filed a *Civil Suit C.S. No. 386/2010 for Permanent & Mandatory Injunction*, against Petitioner No. 1 to restrain him from handing over possession of the Suit Property.
7. However, the Suit was **dismissed** by the Ld. Civil Judge, Saket Court, *vide* Order dated 06.01.2012, with the observation that the Plaintiff (*herein Respondent No. 2*) had concealed material facts.
8. Aggrieved, Respondent No. 2 challenged the dismissal in *RCA No. 29/2012*. The Ld. ADJ-01, South District, Saket Court, New Delhi. **dismissed the Appeal** *vide* Order dated 16.09.2013.
9. With *mala fide* intent, Respondent No. 2, through his wife Rehana, lodged a false and frivolous ***FIR bearing No. 140/2014*** at Police Station



Hauz Quazi under Sections 354, 354A, 354B, 509, and 323 IPC against Petitioner No. 1 only. Pursuant the trial, despite his advanced age, Petitioner No. 1 was convicted *vide* judgment dated 28.05.2019. Aggrieved by the said judgment, Petitioner No. 1 has already preferred an Appeal, which is pending adjudication before the learned ASJ, Tis Hazari Courts, Delhi.

10. Respondent No. 2 also filed another *Suit bearing C.S. (O.S.) No. 2075/2013*, specifically seeking a **Declaration and Cancellation of Documents** regarding the Suit Property. This Suit is admitted by both parties, to be **pending adjudication** before the Ld. ADJ, South East, Saket Court.

11. It is further submitted that due to continuous harassment and intimidation by Respondent No. 2 and his family members, the petitioners were compelled to shift from their old residence to premises bearing No. *N-42, N-Block, Abul Fazal Enclave, Part-I, Jamia Nagar, Okhla, New Delhi-110025*, from the year 2014 onwards. Thereafter, the Petitioners visited their old house only with utmost caution, as Respondent No. 2 and his wife kept a constant vigil over Petitioner Nos. 2 to 6.

12. Despite the pendency of the Civil Suit regarding the genuineness of the title documents, Respondent No. 2 filed a *Complaint under Section 200 Cr. P.C. along with an Application under Section 156(3) Cr. P.C.* before the Ld. CMM (South East) Saket Courts, New Delhi on 28.03.2018 *vide* CT Case No. 2971/2018 alleging that the Petitioners had forged the title documents, i.e. General Power of Attorney, Agreement to Sell, etc., of the Suit Property.



13. The Ld. MM, *vide* the impugned Order dated 17.11.2023, allowed the Application under Section 156(3) Cr.P.C, directing the registration of the FIR.

14. Consequently, FIR No. 0401/2023 was registered. *Aggrieved, the Petitioners have approached this Court.*

15. The **Petitioners have challenged** the registration of the FIR primarily on the **grounds** that the dispute is *purely civil in nature*, pertaining to the title and ownership of the property. The allegations of forgery regarding the title documents, are effectively the same subject matter as the pending Civil Suit in C.S. No. 2075/2013, filed by the Complainant himself.

16. It is asserted that the criminal machinery is being utilized as a weapon of harassment, to settle personal scores and pressurize the Petitioners into succumbing to the demands of Respondent No. 2, in the civil dispute.

17. The Petitioners further submit that Respondent No. 2 remained silent from 1985 until 2010 and has concealed the dismissal of his previous Civil Suit, in his Complaint. Furthermore, the FIR is based on a Complaint filed in 2018 regarding documents executed in 1985, suffering from gross delay.

18. The Petitioners rely on the fact that the legal heirs (sons) of the Original Vendor/Jagan Singh, have confirmed the genuineness of the signatures of their father, on the documents possessed by the Petitioners. The documentary material including Khatauni, Aksh Shijra and confirmations from the sons of late Jagan Singh, clearly support the Petitioners' title and demolishes the Respondent's claim of any joint purchase.



19. It is further submitted that the Respondent No.2 has not placed on record even a single document establishing his title, possession or co-ownership over the property allegedly measuring 430 sq. yards, making the criminal allegations speculative and vexatious.

20. Reliance is placed on the following judgments, wherein it has been consistently held that when a dispute is essentially civil in nature, criminal proceedings ought not to be permitted to continue, Usha Chakraborty & Anr. vs. State of West Bengal & Anr., 2023(1) Crimes 308 (SC), Criminal Appeal No. 256/2022 arising out of SLP (Crl.) No. 5866 of 2022, decided on 30.01.2023; Shiv Kumar & Anr. vs. State of NCT of Delhi & Anr., Cr. M.C. 1537 of 2023, decided on 03.07.2023 by the Hon'ble Delhi High Court; M/s Skipper Beverages Pvt. Ltd. vs. State, 2001 IV AD (Delhi).

21. It is also submitted that no final report under Section 173 Cr.P.C. has been filed till date and the FIR is at a nascent stage.

22. *Thus, it is prayed that the Petition be allowed and the impugned Order and consequent FIR be quashed.*

23. **Status report has been filed on behalf of the State** wherein facts of the case, have been reiterated. It is stated that during investigation, the Complainant was examined and asked to produce documents of the property, which he failed to do.

24. During further inquiry, the property at Jamia Nagar was visited and the Petitioner was found present there, who provided coloured photo copy of the documents of the property in question, along with electricity bills and slips of RWA in the name of the Petitioner No. 1's father, Mirza Mehmood



Baig. Upon local inquiry it was found that the Petitioner has been in physical possession of the said property since 1990's.

25. Further, it is stated that the witnesses, namely, Mustaq Ali and Imtiyaz Ali to the documents of the Petitioner had expired in 1990's, as informed by one Mumtaz Ali. During further inquiry, Sh. Jagan Singh, the Original Vendor, was asked to verify his signatures, who stated that he could not recognise his signature on the documents and this statement was witnessed by his son, Sh. Devender Singh. It is this failure to recognise his signature that resulted in the registration of the FIR. The FIR discloses the commission of cognizable offenses under Sections 420/467/468/471 IPC. The allegations pertain to the forgery of title documents, which is a distinct criminal offense, independent of the civil liability.

26. *Thus, the present Petition is strongly opposed.*

27. *Learned Counsel for the Respondent No. 2/Complainant* vehemently opposed the Petition, by arguing that the mere pendency of a Civil Suit does not bar criminal proceedings, if the ingredients of a criminal offense are made out.

28. It is submitted that the Petitioners forged the signature of the Original Vendor/Jagan Singh, to usurp the share of Respondent No. 2.

29. *Thus, it is prayed that the Petition be dismissed.*

Submissions Heard and Record Perused.

30. The core issue before this Court is *whether the registration of FIR No. 0401/2023 amounts to an abuse of the process of law, warranting interference under Article 226 of the Constitution/Section 482 Cr.P.C., given the pendency of a Civil Suit regarding the same documents.*



31. In the case of Kamaladevi Agarwal vs. State of West Bengal, (2002) 1 SCC 555, the Apex Court observed that *the nature and scope of civil and criminal proceedings, as well as the standard of proof applicable thereto, are fundamentally different and distinct*. It was held that criminal proceedings must be conducted strictly in accordance with the procedure prescribed under CrPC, and *the pendency of a civil action in a different court even though higher in status and authority, cannot be made a basis for quashing of the proceedings*.

32. The law on the permissibility of parallel civil and criminal proceedings is now well settled and has been reiterated by the Apex Court in recent case of Kathyayini vs. Sidharth P.S. Reddy & Ors., 2025 INSC 818, order of the High Court which had quashed criminal proceedings involving allegations of forgery, cheating and criminal conspiracy on the ground that civil proceedings for partition and declaration were pending between the parties, was set aside. The Court observed that it would be “*unwise to rely on unverified testimony*” to ascertain the genuineness of a document and held that the High Court erred in heavily relying on such material to conclude that no offence was made out. Furthermore, it cautioned that such an approach amounts to prematurely evaluating evidence, which is impermissible at the threshold. Where allegations disclose that disputed documents were used to secure pecuniary advantage, it is necessary that genuineness of both the documents is put to trial. It was emphasised that the High Court, while exercising jurisdiction to quash criminal proceedings, cannot conduct a mini-trial or return findings on disputed questions of fact.



33. In the most recent decision, the Apex Court in C.S. Prasad vs. C. Satyakumar and Ors., 2026 INSC 39, reaffirmed that adjudication in civil matters and criminal prosecution proceed on different principles. It was observed that it is a settled principle of criminal jurisprudence that civil liability and criminal liability may arise from the same set of facts and that the pendency or conclusion of civil proceedings does not bar prosecution where the ingredients of a criminal offence are disclosed. Further, it was observed that ***adjudication of forgery, cheating or use of forged documents in relation to a settlement deed will always carry a civil element. Therefore, there cannot be any general proposition that whenever dispute involves a civil element, a criminal proceeding cannot go on. Criminal liability must be examined independently.***

34. ***To sum up***, what emerges is that it is a settled position of law that the ingredients required to be established in civil proceedings and criminal proceedings, even when arising from the same transaction, operate in distinct spheres. In civil proceedings, the court is primarily concerned with the validity, enforceability of a document, to be tested on the touchstone of preponderance of probabilities. *In contrast*, criminal law is attracted only where the allegations disclose the requisite *mens rea* and the commission of an offence beyond the civil consequences of the act. The threshold in criminal law is necessarily higher, as the court is required to examine whether the act complained of was accompanied by dishonest intent since the inception.

35. Forgery, fabrication of documents and their use for wrongful gain are therefore, not mere matters of civil invalidity but constitute independent



offences under the criminal law. Hence, civil adjudication regarding the validity of a document cannot preclude criminal prosecution where the ingredients of offences (such as forgery herein) are *prima facie* disclosed, as the two remedies differ in their objective, scope and standard of proof.

36. Herein, it is also pertinent to refer to *State of Haryana vs. Bhajan Lal*, 1992 Supp (1) SCC 335 where the Apex Court considered in detail the scope of powers of the High Courts under Section 482 CrPC and/or Article 226 of the Constitution of India to quash the FIR and held that the High Court should not embark upon an inquiry into the merits and demerits of the allegations and quash the proceedings without allowing the investigating agency to complete its task.

37. In furtherance, the Apex Court in *Neeharika Infrastructure Pvt. Ltd. vs. State of Maharashtra and Ors.*, 2021 (19) SCC 401 cautioned that courts must not stifle legitimate investigation at the threshold and that ***quashing should be an exception, exercised sparingly, only where the complaint or FIR does not disclose the commission of any cognizable offence.***

38. ***Applying the aforesaid principles to the facts of the present case,*** it is evident that the criminal proceedings emanate from specific allegations of forgery and use of forged title documents in respect of the Suit Property. The Complaint filed by Respondent No. 2 alleges that the Petitioners fabricated documents such as the General Power of Attorney, Agreement to Sell and other allied documents purportedly executed by the Original Vendor, Sh. Jagan Singh, in order to claim exclusive ownership over the Suit Property.

39. The FIR came to be registered pursuant to the Order dated 17.11.2023 passed by the learned MM on an Application under Section 156(3) Cr.P.C.,



after the Court was satisfied that the allegations disclosed the commission of cognizable offences requiring police investigation. *During preliminary inquiry, the Original Vendor, Sh. Jagan Singh, was examined and stated that he could not recognise his signatures on the disputed documents, a fact which was witnessed by his son.* This assertion formed the basis for directing registration of the FIR and warranted a detailed investigation by the police.

40. At this stage, this Court cannot enter into an evaluation of the evidentiary value of the disputed documents, nor can it determine whether the signatures appearing thereon are genuine or forged. Such an exercise would amount to conducting a mini-trial, which is impermissible while exercising jurisdiction under Article 226 of the Constitution or Section 482 Cr.P.C.

41. The question as to whether the documents are forged, and whether they were used dishonestly to secure wrongful gain, are matters squarely within the domain of investigation and trial. Merely because a Civil Suit concerning declaration and cancellation of documents is pending between the parties, the criminal process cannot be interdicted when the allegations *prima facie* disclose offences under Sections 420, 467, 468 and 471 IPC. The validity of the documents for civil purposes and the criminality attached to their alleged fabrication operate in distinct spheres. If the allegations are ultimately found to be unsubstantiated, the law provides adequate safeguards to the Petitioners; however, at this threshold stage, no ground is made out for quashing the FIR.

42. Lastly, in this regard, reference be also made to M.S. Sheriff & Anr. vs. State of Madras & Ors., AIR 1954 SC 397, wherein the Apex Court



observed, “a civil suit often drags on for years and it is undesirable that a criminal prosecution should wait till everybody concerned has forgotten all about the crime. The public interest demand that criminal justice should be swift and sure; that the guilty should be punished while the events are still fresh in the public mind and that the innocent should be absolved as early as is consistent with a fair and impartial trial. Another reason is that it is undesirable to let things glide till memories have grown too dim to trust.”

Conclusion:

43. In light of the above discussion, it is held that there exists no ground for quashing the FIR, at this initial stage. **There is no merit in the present Petition, which is hereby dismissed.**

44. The pending Applications also stand disposed of.

**(NEENA BANSAL KRISHNA)
JUDGE**

FEBRUARY 09, 2026/RS