

Joginder Pal Sud @ Joginder Paul Sud vs Government Of Nct Of Delhi & Anr on 22 April, 2022

Author: Yogesh Khanna

Bench: Yogesh Khanna

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* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ CRL.M.C. 3393/2021
JOGINDER PAL SUD @ JOGINDER PAUL SUD

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Through: Mr. Amit Khemka, Mr.Sunil
Mr.Rishi Sehgal, Advocates
Petitioner in person.

versus

GOVERNMENT OF NCT OF DELHI & ANR.

Through: Mr.Mukesh Kumar, AP
with SI Laxaman, PS
Mr.Arvind Kumar Gup
Bhardwaj and Mr.Abh
Advocates with R-2
Mr.Rajat Sud in per

CORAM:
HON'BLE MR. JUSTICE YOGESH KHANNA
ORDER

% 22.04.2022

1. This is an application for early hearing.

2. Allowed.

3. The application stands disposed of.

4. This petition is filed for quashing of FIR No.215/2017 under Sections 420/468/471 IPC registered at police station Kotla Mubarakpur and the proceedings emanating therefrom on the basis of a mutual compromise arrived at between the petitioner and respondent No.2/complainant and other family members recorded vide Settlement Agreement dated 09.12.2021 before the Delhi High Court Mediation and Conciliation Centre.

5. The FIR was registered primarily because of a dispute qua sharing of property bearing No.D-8, Saket, New Delhi wherein it was alleged the petitioner has forged some of the documents.

6. Learned APP for the State at the outset has objected to the quashing of FIR as the FIR invokes Section 467 IPC wherein he says the signatures marked Q16 per FSL report are forged by the petitioner.

7. Learned APP for the State relies upon FSL report dated 19.01.2022.

8. I have perused the said report.

9. The said report does not help the prosecution as it is stated it states it has not been possible to express any opinion regarding the authorship of questioned writing/signatures marked Q16 in comparison with the standard material supplied for comparison.

10. The said FSL report thus is not a conclusive report qua the liability by the petitioner in forging the signatures.

11. A query is also raised as to if an FIR under Section 467 IPC can even otherwise be quashed, the learned counsel for the petitioner has referred to Gian Singh V. State of Punjab 2012 10 SCC 303 wherein the Supreme Court held as under :

54. Where High Court quashes a criminal proceeding having regard to the fact that dispute between the offender and victim has been settled although offences are not compoundable, it does so as in its opinion, continuation of criminal proceedings will be an exercise in futility and justice in the case demands that the dispute between the parties is put to an end and peace is restored; securing the ends of justice being the ultimate guiding factor. No doubt, crimes are acts which have harmful effect on the public and consist in wrong doing that seriously endangers and threatens well-being of society and it is not safe to leave the crime- doer only because he and the victim have settled the dispute amicably or that the victim has been paid compensation, yet certain crimes have been made compoundable in law, with or without permission of the Court. In respect of serious offences like murder, rape, dacoity, etc; or other offences of mental depravity under IPC or offences of moral turpitude under special statutes, like Prevention of Corruption Act or the offences committed by public servants while working in that capacity, the settlement between offender and victim can have no legal sanction at all. However, certain offences which overwhelmingly and predominantly bear civil flavour having arisen out of civil, mercantile, commercial, financial, partnership or such like transactions or the offences arising out of matrimony, particularly relating to dowry, etc. or the family dispute, where the wrong is basically to victim and the offender and victim have settled all disputes between them amicably, irrespective of the fact that such offences have not been made compoundable, the High Court may within the framework of its inherent power, quash the criminal proceeding or criminal complaint or F.I.R if it is satisfied that on the face of such settlement, there is hardly any likelihood of offender being convicted and by not quashing the criminal proceedings, justice shall be casualty and ends of justice shall be defeated. The above list is illustrative and not exhaustive.

Each case will depend on its own facts and no hard and fast category can be prescribed.

12. Further he referred to Virender Puri & Anr. Vs. Govt. of NCT of Delhi in WP(Crl) 2336/2021 decided on 05.01.2022; Ram Lakhan V. State in Crl.M.C.411/2022 decided on 01.02.2022 and Dalip Gupta V. State in WP(Crl) 466/2022 decided on 03.03.2022.

13. It is the submission of learned counsel for the petitioner the parties have settled their dispute vide Settlement Agreement dated 09.12.2021 before the Delhi High Court Mediation and Conciliation Centre in terms of paras No.1 to 34 therein.

14. The parties are present in person and they submit they shall abide by the terms and conditions stipulated in the abovesaid Settlement Agreement.

15. Respondent No.2 is also present and has been duly identified by the Investigating Officer and her counsel.

16. Affidavits are on record.

17. In view of above, since the offences mentioned in the FIR predominantly bear civil flavour arising out of family dispute and such dispute having been settled amicably between the parties, there is no impediment to the quashing of the present FIR since there is hardly any possibility of petitioner being convicted in relation to signatures marked Q16 per FSL report, and hence in the circumstances, FIR No.215/2017 under Sections 420/468/471 IPC registered at police station Kotla Mubarakpur and the proceedings emanating therefrom are quashed subject to deposit of sum of Rs.25,000/- by the petitioner with Delhi State Legal Services Authority within two weeks from today. Pending application(s), if any, also stands disposed of.

18. The date already fixed i.e. 12.05.2022 stands cancelled.

19. Order dasti.

YOGESH KHANNA, J.

APRIL 22, 2022 VLD