

Jatan Singh and ors Vs. State and anr

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Court : Delhi

Decided On : Dec-22-2011

Appellant : Jatan Singh and ors

Respondent : State and anr

Judgement :

§~3 * IN THE HIGH COURT OF DELHI AT NEW DELHI + CRL.M.C. 4087/2011 %
Judgment delivered on: 22nd December, 2011 JATAN SINGH and ORS.
Petitioners Through: Mr.Sudhir Naagar, Mr. Narveer Dabas, Mr. Siddharth
Khanata and Mr. Chetan Chawla Advs. versus STATE and ANR. Respondents
Through: Ms.Rajipa Behura, APP for State. Mr. Parvesh Chaudhary, Adv. for R-2.
CORAM: HON'BLE MR. JUSTICE SURESH KAIT SURESH KAIT, J. (Oral).

1. Vide FIR no.

452. dated 07.10.2011, case under Section 420/467/468/471/193 Indian Penal Code, 1860 was registered against the petitioner at PS-Anand Vihar on the complaint of respondent no. 2.

2. Ld. Counsel for the petitioners and respondent no.

2. jointly submitted that the matter has been settled in Mediation Centre at Karkardooma Court, New Delhi on 26.08.2011, keeping the settlement deed dated 21.08.2011..

3. It is further submitted that respondent no.2 is no more interested to pursue the case further as he has settled all the issues qua the CrI.M.C.4087/2011 *Page 1 of 3* aforesaid FIR and both have jointly prayed that instant FIR may be quashed..

4. Ld. APP for State submits that the offence under Section 467 and 471 is non compoundable in nature. Therefore keeping the recent judgment of the Double Bench of the decision of Hon'ble Supreme Court in Gian Singh v. State of Punjab and Anr. in SLP (CrI.) No.8989/2010 wherein the Division Bench of the Supreme Court has referred three earlier decisions viz, B.S. Joshi v. State of Haryana (2003) 4 SCC 675, Nikhil Merchant v. Central Bureau of Investigation and Anr. (2008) 9 SCC 677 and Manoj Sharma v. State and Ors. (2008) 16 SCC 1 to the larger Bench for re-consideration whether the abovesaid three decisions were decided correctly or not. Therefore, she has prayed that till the outcome of the larger Bench of the Apex Court, present petition may be adjourned sine-die. Alternatively, he prayed that in the event, the FIR is quashed, heavy costs should be imposed upon the petitioners, as the government machinery has been used and precious time of the Court has been consumed..

5. The Division Bench of Mumbai High Court in Nari Motiram Hira v. Avinash Balkrishnan and Anr. in CrI.W.P.No.995/2010 decided on 03.02.2011 has permitted for compounding of the offences of 'non- compoundable' category as per Section 320 Cr. P.C. even after discussing Gian Singh (supra)..

6. Therefore, I feel that unless and until, the decisions which have been referred above, are set aside or altered, by the larger Bench of the Supreme Court, all the above three decision hold the field and are the binding precedents. CrI.M.C.4087/2011 *Page 2 of 3*.

7. In addition, in recent judgment of Hon'ble Suprme Court delivered in case of Shiji @ Pappu and Ors. v. Radhika and Anr. reported as MANU/SC/1341/2011, has also held that the offences of non-compoundable nature can be quashed, if the Court thinks fit..

8. Though I found force in the Ld. APP for the State, however in the connected FIR no. 148/2011, PS-Jyoti Nagar vide CrI. M.C. 4086/2011, same petitioner has

already donated Rs.1 Lac, therefore, I refrain myself from imposing cost on the petitioner..

9. Keeping in view the settlement arrived at between the petitioner and respondent no.

2. and the statement of respondent no. 2, I quash FIR no 452/2011 registered at PS-Anand Vihar with emanating proceedings thereto..

10. CrI. M.C. 4087/2011 is allowed on the above terms with emanating proceedings thereto..

11. Dasti SURESH KAIT, J DECEMBER 22, 2011 jg CrI.M.C.4087/2011 Page 3 of 3

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