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

+ CRL.M.C. 6497/2022 & CRL.M.A. 25286/2022

SHWETA

..... Petitioner

Through: Mr. Sachin Bandoori, Advocate.

versus

GNCTD AND ANR

..... Respondent

Through: Mr. Raj Kumar, APP for the State
with SI Jyoti, PS: Dwarka South.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

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05.12.2022

1. This petition has been filed seeking quashing of order dated 20th August, 2022 passed by learned Metropolitan Magistrate, Dwarka Courts, New Delhi in FIR No.473/2022, PS Dwarka (South).
2. The background facts are that the petitioner, who is a first year Law student, had instructions of an advocate Ms. Chandni (Enrolment No. D/2596/2016) for appearing in court and taking adjournment in two cases. When she presented herself before the learned Metropolitan Magistrate and was asked certain questions regarding the matter, she was silent as she was instructed only to take adjournments and was unaware of the case. Besides it is alleged by the petitioner that she is a Hindi medium student and does not have any knowledge of the technical legal terminology and therefore,

could not comprehend as to what was being queried by the learned Metropolitan Magistrate. Not receiving a proper response from the petitioner, the learned Metropolitan Magistrate took her into court custody and she was later relieved in the evening from the custody of the court. The learned Metropolitan Magistrate took cognizance against the petitioner under Section 177/179 IPC vide order dated 20th August, 2022.

3. Further, an FIR was registered against the petitioner on 8th September, 2022 by Honorary Secretary, Dwarka Bar Association on the same issue. Having perused the order sheets of proceedings before the learned Metropolitan Magistrate on 20th August, 2022, it transpires that there was some communication gap between the Court and the petitioner and therefore, the learned Metropolitan Magistrate deemed it appropriate to bring it to the notice of the President, Dwarka Bar Association. On enquiry by the Secretary, Dwarka Bar Association appeared in person in Court and the petitioner apprised that she was just a first year Law student. At that point one Ms. Anisha also appeared in Court and submitted that the petitioner was attached to her as an intern and was instructed to appear before the Court and seek dates. Subsequent to further disclosure of facts, the learned Metropolitan Magistrate observed that the petitioner was furnishing false information and impersonating herself to be a proxy counsel before the Court and therefore, proceeded against her for offence under Section 177/179 IPC. A perusal of FIR also reveals that the petitioner had impersonated as an advocate and appropriate steps to be taken against her and an FIR was registered against her under Sections 419/209 IPC.

4. Having perused the records of the case and also having heard the counsel for the petitioner, in the opinion of this Court, the issue was

amplified disproportionately before the learned Metropolitan Magistrate, particularly, keeping in mind that even learned Metropolitan Magistrate has recorded that the petitioner had fairly disclosed that was a first year LLB student and also had been supported by Ms.Anisha, Advocate who had stated that she had also instructed her to take dates.

5. From a transcription of proceedings of that date, it seems that the petitioner was either confused or was unable to handle the situation which presented before her. It is evident that a law student should not appear as a proxy counsel or counsel in any matter before any court of law, prior to being properly enrolled by a Bar Council and being admitted to the Bar.

6. The petitioner has also additionally filed an undertaking by way of an affidavit on the directions of this Court during the course of the day today thereby undertaking that she “shall never appear before any Court as proxy/ counsel / an advocate till I have got enrolled with Bar Council” and “I am accepting my mistake and regretting my mistake for appearing before learned Court and this undertaking may also be treated as my unconditional apology to BCI, BCD and all Court Associations”.

7. In view of this undertaking filed before this Court, as well as the observations made above, there is no purpose served for proceedings in this FIR to continue and the matter being proceeded further pursuant to the orders of the learned Metropolitan Magistrate. Accordingly, the said FIR No.473/2022 registered at PS Dwarka (South) is hereby quashed to secure the ends of justice. No further steps are necessitated pursuant to the order dated 20th August, 2022 passed by the learned Metropolitan Magistrate.

8. Petition is disposed of accordingly. Pending application is also

disposed of as infructuous.

9. The undertaking which has been filed by the petitioner during the course of the day today, be placed on record of the court file.

10. Order be uploaded on website of this Court.

ANISH DAYAL, J

DECEMBER 5, 2022/sm