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16.11.2010

Present: Mr.R.P.Sharma, Advocate for the petitioners.
Mr.Navin Sharma, APP for the respondent/State.

+Crl.M.C. 3002/2008 & Crl.M.A.11063/2008 (stay)

The petitioner herein is seeking quashing of FIR No.792/2000 under Section 452/506/420/34 IPC registered at P.S. Patel Nagar and the charge sheet dated 18th August 2002 arising out of the same.

The petitioner has been charge sheeted in a warrant trial case for the offences punishable under Sections 452/506/420/34 IPC. Therefore, in view of Section 239 of the Code of Criminal Procedure, he shall get an opportunity of being heard before framing of charges by the Magistrate. Since the petitioner has equally an efficacious remedy available to him, he cannot be permitted to jump the hierarchy of the courts by directly approaching the High Court for quashing of FIR. Thus, I am not inclined to invoke the inherent jurisdiction under Section 482 of the Code of Criminal Procedure.

The petition is dismissed.

LCR be sent back immediately.


(AJIT BHARIHOKE)
JUDGE

NOVEMBER 16, 2010

akb

Signature Not Verified

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