

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

Date of Decision: January 09, 2015

+ CRL.M.C. 2185/2014

SANTOSH CHANDOLA Petitioner
Through: Mr. Rakesh Kansal &
Ms. Abhilasha Gupta, Advocates

versus

STATE & ANR. Respondents
Through: Mr. Vinod Diwakar, Additional
Public Prosecutor for respondent
No.1-State

**CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR**

% **JUDGMENT**
(ORAL)

Crl.M.A. No. 340/2015 (u/S 482 Cr.P.C.)

Applicant-petitioner prays for stay of proceedings before trial court in this FIR case.

This Court is not inclined to entertain this application. However, on the oral request of counsel for petitioner, hearing in this case is preponed for final hearing.

Application is accordingly disposed of.

CRL.M.C. 2185/2014

In view of orders passed in Crl. M.A.No.340/2015, date of 30th January, 2015 fixed in this petition is cancelled.

Learned Additional Public Prosecutor for respondent-State informs that the matter is now fixed before trial court for final hearing. Learned counsel for petitioner confirms it.

Apex Court in *N. Soundaram v. P.K. Pounraj*, (2014) 10 SCC 616 has pertinently observed as under:-

“13. It is well settled by this Court in a catena of cases that the power under Section 482 CrPC has to be exercised sparingly and cautiously to prevent the abuse of process of any court and to secure the ends of justice. The inherent power should not be exercised to stifle a legitimate prosecution. The High Court should refrain from giving a prima facie decision unless there are compelling circumstances to do so. Taking the allegations and the complaint as they were, without adding or subtracting anything, if no offence was made out, only then the High Court would be justified in quashing the proceedings in the exercise of its power under Section 482 CrPC. An investigation should not be shut out at the threshold if the allegations have some substance.”

Applying the afore-noted dictum to instant case, this Court is not inclined to exercise its inherent jurisdiction under Section 482 Cr.P.C. to entertain this petition at the stage when the trial of this case has reached its fag end.

This petition is accordingly disposed of while refraining to comment upon merits of the case.

(SUNIL GAUR)
JUDGE

JANUARY 09, 2015

r