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

Date of Decision: July 07, 2015

+ CRL.M.C. 2328/2014

MOHD SHAKEEL Petitioner
Through: Mr. Riaz Mohd., Advocate

versus

STATE Respondent
Through: Mr. Praveen Bhati, Additional
Public Prosecutor for respondent-
State

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

JUDGMENT
(ORAL)

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In this petition, quashing of FIR No.391/2012 under Sections 324/341/506 of IPC registered at P.S. Jagat Puri, Delhi is sought in this petition on merits.

At the hearing, learned counsel for petitioner had sought to contend that the evidence of complainant recorded by the trial court suffers from various infirmities as complainant had made a lot of improvements. It was asserted on behalf of petitioner that complainant was not in proper senses when his statement under Section 161 of Cr.P.C. was recorded by the police. Thus, it was submitted that implication of petitioner is a concocted one and so, continuance of proceedings arising out of the FIR in question is an abuse of the process of court.

Learned Additional Public Prosecutor for respondent-State submits that petitioner has not challenged the order on charge framed against him and the evidence of complainant is trustworthy and it cannot be appreciated in piecemeal during the course of trial.

Upon hearing and on perusal of the FIR of this case, the status report and the copy of the evidence of complainant, I find that this is not the stage to appreciate the evidence of complainant in piecemeal. Otherwise also, since there is no challenge to the order on charge, therefore, this Court is not inclined to invoke its inherent jurisdiction under Section 482 of Cr.P.C. to quash the FIR of this case when the trial of this case has fairly advanced.

In view of the aforesaid, this petition is dismissed while refraining to comment upon merits lest it may prejudice petitioner at trial.

(SUNIL GAUR)
JUDGE

JULY 07, 2015

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