

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

Date of Decision: January 13, 2015

+ **CRL.M.C. 2593/2014**

YASHWANT MISHRA Petitioner

Through: Mr. S.K.Pandey, Advocate

versus

STATE & ORS Respondents

Through: Mr. Praveen Bhati, Additional
Public Prosecutor for State with SI
Rajeev Kumar, PS Vasant Vihar
Mr. Dheeraj Kumar, Advocate for
Respondents No.2-4 with
Respondent No.2-in-person

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

% **JUDGMENT**
(ORAL)

Quashing of FIR No.149/2010 under Section 308 IPC registered at Police Station Vasant Vihar, Delhi is sought on the basis of compromise entered into between the parties vide Compromise Deed of 16th May, 2014. At the hearing, it was disclosed by learned Additional Public Prosecutor for respondent-State that the evidence of complainant party- Respondents No. 2 to 4 has already been recorded.

Apex Court in *N. Soundaram v. P.K. Pounraj*, (2014) 10 SCC 616, has 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.

14. An overall perusal of the materials placed before us makes out a prima facie case against the accused which requires to be decided by conducting a proper trial. At this stage the High Court cannot analyse and meticulously consider the evidence and anticipate whether it will end up in conviction or acquittal. This is not the stage to decide whether there is any truth in the allegations made but to form an opinion whether on the basis of the allegation a cognizable offence or offences alleged has been prima facie made out. The guilt or otherwise of the accused can be proved only after conducting a full-fledged trial. In the circumstances, in our opinion, it is not proper for the High Court to interfere with the proceedings and quash the final report submitted by the police”

In view of aforesaid dictum of Apex Court, this Court finds that invoking of inherent powers of this Court under Section 482 Cr.P.C. to quash FIR, in question, is unwarranted in view of fact that after deposing

before the trial court, the complainant party cannot be allowed to wriggle out of it by entering into a compromise and such a trend needs to be curbed with a heavy hand as such a conduct defeats the ends of justice.

The petition is dismissed while not commenting upon merits of this case lest it may prejudice parties at trial.

(SUNIL GAUR)
JUDGE

JANUARY 13, 2015

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