

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

Date of Decision: January 12, 2015

+ **CRL.M.C. 2526/2013**

SAROJ BHADANA & ORS Petitioners

Through: Mr. M.K. Vashisht and Mr. Lalit
Kumar Grover, Advocates

versus

STATE & ORS Respondents

Through: Mr. Vinod Diwakar, Additional
Public Prosecutor for respondent-
State with Inspector Kumar
Kundan

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

% **JUDGMENT**
(ORAL)

In this petition, quashing of FIR No.53/2010 under Sections 120-B/420/467/468/471 of IPC registered at P.S. Economic Offences Wing, New Delhi is sought on the basis of *Compromise Deed* of 27th May, 2013.

Learned counsel for petitioners submits that the aforesaid compromise deed has been acted upon vide order of 31st May, 2013 (*Annexure P-2*) in the civil proceedings.

Learned Additional Public Prosecutor for respondent-State informs that the investigation of this case is at fairly advanced stage and the FSL report has been received and on its basis, charge-sheet would be filed in this case within four weeks.

On the aspect of exercise of powers under Section 482 of Cr.P.C., the pertinent observations of the Apex Court in *N. Soundaram v. P.K. Pounraj*, (2014) 10 SCC 616, are 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 the peculiar facts and circumstances of this case, this Court is not inclined to exercise its inherent powers especially when the investigation is at fairly advanced stage.

This petition is disposed of with direction to respondent-State to file the final report in this case within a period of four weeks or so while taking into consideration the *compromise deed* of 27th May, 2013 arrived at between the parties. Petitioners would be at liberty to avail of the remedies as available to them in the Law, if charge-sheet is filed against them.

With aforesaid direction, this petition is disposed of while refraining to comment upon merits, lest it may prejudice either side before trial court.

(SUNIL GAUR)
JUDGE

JANUARY 12, 2015

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