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

Date of Decision: March 09, 2015

+ CRL.M.C. 904/2015 & Crl. M.A.Nos.3404-3405/2015

MOHINDER SINGH

..... Petitioner

Through: Advocate (*appearance not given*)

versus

STATE & ANR.

..... Respondents

Through: Ms. Nishi Jain, Additional Public
Prosecutor for respondent No.1-
State
Mr. Ajit Singh, Advocate for
respondent No.2

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

JUDGMENT
(ORAL)

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Quashing of criminal complaint CC No.55/2/12, under Sections 386/388/34 of the IPC and impugned summoning order of 8th April, 2013 is sought in this petition on merits.

Learned counsel for petitioner submits that the matter is now coming up before the trial court for recording of pre-charge evidence.

Upon hearing, this Court finds that quashing of the complaint in question is sought on facts, which are required to be put to the respondent-complainant in the cross-examination during the recording of pre-charge evidence and so, this Court is not inclined to invoke its extra

ordinary inherent jurisdiction under Section 482 of the Cr.P.C. at this initial stage. It is being so said as Apex Court in *State of Orissa v. Ujjal Kumar Burdhan* (2012) 4 SCC 547 has reiterated that inherent powers of this Court are to be exercised in exceptional cases. Pertinent observations of the Apex Court in *Ujjal Kumar (supra)* on this aspect are as under: -

“It is true that the inherent powers vested in the High Court under Section 482 of the Code are very wide. Nevertheless, inherent powers do not confer arbitrary jurisdiction on the High Court to act according to whims or caprice. This extraordinary power has to be exercised sparingly with circumspection and as far as possible, for extraordinary cases, where allegations in the complaint or the first information report, taken on its face value and accepted in their entirety do not constitute the offence alleged. It needs little emphasis that unless a case of gross abuse of power is made out against those in charge of investigation, the High Court should be loath to interfere at the early/premature stage of investigation.”

Applying the afore-noted dictum of Apex Court to the instant case, I find no good ground to exercise the inherent jurisdiction under Section 482 of Cr.P.C. to quash the complaint case in question or the summoning order. However, petitioner would be at liberty to confront respondent-complainant with the stand taken by him in this petition and thereafter, to show before the trial court that a *prima facie* case is not made out against him.

This petition and applications are accordingly disposed of while refraining to comment upon merits of this case lest it may prejudice either side before trial court.

(SUNIL GAUR)
JUDGE

MARCH 09, 2015
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