

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

Date of Decision: January 09, 2015

+ (i) **CRL.M.C. 4806/2013 & CrI.M.A. 17312/2013**

NAEEMUDDIN & ORS. Petitioners
Through: Mr. Mohd. Nasir, Mr. Saleem and
Mohd. Tabrez, Advocates
versus

THE STATE & ORS. Respondents
Through: Mr. Vinod Diwakar, Additional
Public Prosecutor for respondent-
State

+ (ii) **CRL.M.C. 4808/2013 & CrI.M.A. 17356/2013**

SAYED ANWAR ALI & ORS. Petitioners
Through: Mr. Juned Alam and Mohd.
Khurshid, Advocates
versus

THE STATE & ORS Respondents
Through: Mr. Vinod Diwakar, Additional
Public Prosecutor for respondent-
State

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

% **JUDGMENT**
(ORAL)

In the above captioned petitions, quashing of cross FIRs i.e. FIR No.69/2013 under Sections 506/452/323/34 of IPC (*in CRL.M.C. 4806/2013*) and FIR No.94/2013 under Sections 427/323/324/452/341/506/509/34 of IPC (*in CRL.M.C. 4808/2013*) both registered at P.S. Jama

Masjid, Delhi on the ground of compromise and affidavits of the parties.

Since the above quashing is sought on the common grounds, therefore, with the consent of learned counsel for the parties, both these petitions were heard together and by this common judgment, they are being disposed of.

Learned Additional Public Prosecutor for State informs that the investigation of these two cross FIR cases is in progress and while taking into consideration the affidavits of the parties, a supplementary statement of the complainant party of these two FIRs would be recorded and thereafter, final report would be filed within a period of six weeks.

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.

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 the afore-noted legal position in *N. Soundaram (supra)*, this Court is not inclined to exercise its inherent jurisdiction under Section 482 of Cr.P.C. at this stage.

Accordingly, both these petitions and the applications are disposed of with direction to the Investigating Officers of the cross cases to conclude the investigation expeditiously i.e. preferably within a period of six weeks. Needless to say, the parties would be at liberty to file similar petition, if need arises.

**(SUNIL GAUR)
JUDGE**

JANUARY 09, 2015

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