

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

Date of Decision: March 04, 2015

+ CRL.M.C. 5210/2013 & Crl. M.A.No. 18790/2013

ZEESHAN MIR & ORS. Petitioners

Through: Mr. A.J. Khan, Advocate

versus

STATE & ANR. Respondents

Through: Mr. Parvin Bhati, Additional
Public Prosecutor for respondent
No.1-State
Mr. Chetan Lokur, Advocate for
respondent No.2

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

JUDGMENT

%

(ORAL)

Vide impugned order of 13th August, 2013 petitioners have been summoned as accused in a complaint case under Sections 425/453/323/34 of the IPC.

At the hearing, it was submitted by learned counsel for petitioners that the dispute is between father and the daughter and petitioners are distant relatives, who have been illegally roped in and no case for summoning of petitioners for the aforesaid offences is made out and thus, impugned order as well as the complaint in question deserve to be quashed qua petitioners.

Learned counsel for second respondent-complainant submits that

the impugned order does not suffer from any illegality or infirmity and there is no substance in this petition.

At this stage, learned counsel for petitioners draws attention of this Court to the police report of 6th January, 2009 (*Annexure-P-3*) to point out that there was no dispute or quarrel and the complaint is patently false on the face of it and so, it deserves to be quashed.

The pertinent observations of Apex Court in *Padal Venkata Rama Reddy v. Kovvuri Satyanarayana Reddy*, (2011) 12 SCC 437 are as under:-

“11. Though the High Court has inherent power and its scope is very wide, it is a rule of practice that it will only be exercised in exceptional cases. Section 482 is a sort of reminder to the High Courts that they are not merely courts of law, but also courts of justice and possess inherent powers to remove injustice. The inherent power of the High Court is an inalienable attribute of the position it holds with respect to the courts subordinate to it. These powers are partly administrative and partly judicial. They are necessarily judicial when they are exercisable with respect to a judicial order and for securing the ends of justice. The jurisdiction under Section 482 is discretionary, therefore the High Court may refuse to exercise the discretion if a party has not approached it with clean hands.”

Upon hearing and on perusal of the impugned order and police report of 6th January, 2009 (*Annexure-P-3*), I find that the factual details already find mention in the impugned order and quashing of the complaint in question and summoning order is sought on the facts, which are yet to be established at trial and the version of respondent-

complainant is supported by the statements of two witnesses, therefore, no case of exercise of inherent jurisdiction under Section 482 of the Cr.P.C. is made out to opine whether the factual averments are false or not.

Consequently, this petition and application are dismissed while refraining to comment upon merits of this case lest it may prejudice either side at trial.

(SUNIL GAUR)
JUDGE

MARCH 04, 2015

r