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

Judgment delivered on: 14th September, 2015

+ **CRL.M.C. No.2229/2015**

RAM LAL

..... Petitioner

Represented by: Mr.Anurag Abhishek, Adv
with petitioner in person.

versus

STATE OF NCT OF DELHI AND ANR

..... Respondents

Represented by: Mr. Hirein Sharma, APP for
the State with SI
Dharmender Kumar, PS
Roop Nagar, Delhi in person.

CORAM:

HON'BLE MR. JUSTICE SURESH KAIT

SURESH KAIT, J. (Oral)

CRL.M.C. No.2229/2015

1. By way of this petition filed under Section 482 of the Code of Criminal Procedure, 1973, petitioner seeks quashing of FIR No.518/2014 registered at Police Station Roop Nagar, Delhi, for the offence punishable under Sections 33 of the Delhi Excise Act, 2009 against him.

2. The present petition has been filed on the ground that the complaint made against the petitioner was a result of grudge that the complainant's employer i.e. Roshanara Club possesses against the petitioner because he has been vehemently exposing the illegal encroachment being made by the Roshanara Club on the land surrounding the club and the numerous litigations are either pending or have been decided in favour of the petitioner and same are without any rational. It is also alleged in the

complaint that petitioner is a bad character of the area. There is no mention of any damage done to the car in the parking area and there is no finding of the stones which were allegedly pelted by petitioner and his two friends. The alleged story holds further no grounds as is evident from sequences of the events as detailed in the FIR wherein it has been mentioned that the petitioner and his two friends ran upon on seeing the police party. It is worth mentioning that there is only one entry and exit point to the Roshanara Club where the police and their staff alongwith two guards were present, but still as per the alleged story, the petitioner and his two friends managed to evade all of them and flee away. Accordingly, the aforesaid seems highly improbable.

3. The present FIR has been registered as an extension of case FIR No.598/2014 dated 18.11.2014, registered at police station Subzi Mandi, Delhi for the offences punishable under Section 392/34 of the IPC wherein the counsel for Roshanara Club had reported a complaint for misbehaviour in Tis Hazari Court Complex outside Court Room No.347, which happens to be another false complaint as such offence cannot be committed in Court premises that too at about 11.40AM when Courts are full of advocates.

4. Apart from that the petitioner has given a lot of explanation and submitted that the complaint is misuse of judicial process and has heavily relied upon the clause No.7 of the situations as contemplated in para No.102 by the Apex Court in the matter of *State of Haryana vs Bhajan Lal*¹.

¹ (1992) Supp 1 SCC 335

5. It is pertinent to mention here that the present FIR is registered on 19.11.2014. Police on completion of investigation has filed the charge sheet into this case on 02.06.2015 and case is pending for trial before learned Trial Court.

6. Vide the present petition, petitioner seeks quashing of the FIR on various grounds. However, the order on charge is yet to be passed. This Court cannot conduct the mini trial. Therefore, I am of considered view that present petition cannot be allowed for the reason that whatever issues raised before this Court, may be raised by the petitioner before learned Trial Court and learned Trial Court will consider and pass the appropriate order accordingly. If the petitioner is still aggrieved, he may approach the appropriate form.

7. In view of above, present petition is disposed of.

Crl.M.A.No.7870/2015 (For stay)

Dismissed as infructuous.

**SURESH KAIT
(JUDGE)**

SEPTEMBER 14, 2015

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