

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

Date of Decision: January 09, 2015

+ CRL.M.C. 68/2015

NAEEM

..... Petitioner

Through: Mr. R.K. Gupta, Advocate

versus

STATE & ANR.

..... Respondents

Through: Mr. Vinod Diwakar, Additional
Public Prosecutor for respondent
No.1- State with SI Monu Chauhan
Mr. Ram Krishan Gupta, Advocate
for respondent No.2

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

JUDGMENT

(ORAL)

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Quashing of FIR No. 395/2013, under Section 307/201 of the IPC, registered at police station Seemapuri, Delhi is sought on the basis of affidavit of respondent No.2, who is said to be the complainant-injured of this FIR case.

Upon Notice, learned Additional Public Prosecutor for respondent No.1- State submits that deposition of respondent No.2 in this FIR case has already been recorded by the trial court.

Apex Court in *N. Soundaram v. P.K. Pounraj*, (2014) 10 SCC 616 has 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. [See State of Haryana v. Bhajan Lal [1992 Supp (1) SCC 335: 1992 SCC (Cri) 426] .] 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. [See MCD v. Ram Kishan Rohtagi [(1983) 1 SCC 1 : 1983 SCC (Cri) 115 : (1983) 1 SCR 884] .] An investigation should not be shut out at the threshold if the allegations have some substance. [See Vinod Raghuvanshi v. Ajay Arora [(2013) 10 SCC 581 : (2013) 4 SCC (Cri) 792 : (2014) 1 SCC (L&S) 679] .]

Applying the afore-noted dictum to the instant case, this Court is not inclined to exercise its inherent jurisdiction under Section 482 Cr.P.C. to quash the proceedings arising out of the FIR in question.

Learned counsel for petitioner submits that in the face of respondent No.2's evidence, no case is made out against the petitioner.

Without commenting upon the above stand taken by counsel for petitioner, the trial court is directed to expeditiously complete trial of this FIR case.

With aforesaid directions, this petition is disposed of.
Trial court be apprised of this order forthwith.

(SUNIL GAUR)
JUDGE

JANUARY 09, 2015
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