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

+ CRL.M.C. 3112/2013

DEPARTMENT OF CUSTOMS Petitioner
Through Mr.Satish Aggarwala, Adv.

versus

STATE & ORS. Respondents
Through Mr.Amit Chadha, APP for the State.
Mr.Deepak Sharma, Adv. with
Mr.Mohdl Irfan, Adv. for R-2.
Mr.Dharam Raj, Adv. for R-3.

CORAM:
HON'BLE MR. JUSTICE P.S.TEJI

ORDER
% **06.05.2016**

The present petition has been filed by the petitioner under Section 482 of the Code of Criminal Procedure, 1973 against the order dated 8th January, 2013 passed by learned Metropolitan Magistrate, New Delhi in FIR No.254/2012 registered at Police Station Pul Prahlad Pur, declining to take cognizance for offences punishable under Sections 380/411 of the Indian Penal Code.

Perusal of the impugned order dated 8th January, 2013 reflects that cognizance had been taken by the Court below for offence committed under Sections 419/420/468/471/120-B IPC. At the time

of taking cognizance, the Court below was of the considered opinion that for want of essential ingredients of the offences committed under Sections 380/411 IPC, the cognizance under these sections cannot be taken.

I have heard learned counsel for the parties at length and gone through the definition of “cheating” as defined under Section 415 IPC & definition of “theft” under Section 378 IPC. After going through the FIR and considering the facts of the case, this Court is of the considered opinion that at this stage, inherent power of this Court conferred under Section 482 of Code of Criminal Procedure, cannot be exercised in the present case particularly when the accused have already put in appearance before the Court below and all the arguments advanced by the parties are to be reappraised at the time of consideration of the charge.

Consequently, the present petition is dismissed.

P.S.TEJI, J

MAY 06, 2016/aa