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

+ W.P.(CRL) 692/2016

DEEPAK KUMAR

..... Petitioner

Through: Mr.Bhupesh Narula & Ms.Rinku
Dhingra Narula, Advocates

versus

THE STATE GOVT OF NCT OF DELHI & ANR Respondents

Through: Ms.Nandita Rao, ASC for the State

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

07.11.2017

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1. By way of this writ petition filed under Article 226 of the Constitution of India read with Section 482 of Cr.P.C., petitioner is seeking quashing of case FIR No.171/2013 registered at PS Adarsh Nagar under Sections 448/380/34 IPC and the proceedings arising therefrom.

2. Learned counsel for the petitioner has referred to Annexure 'D' at page 61 of the writ petition, which is copy of the proceedings dated 8th August, 2014 in Civil Suit No. 264/13, whereby the petitioner, who was defendant No.4 in the said suit, was dropped from the array of parties. Learned counsel for the petitioner has also referred to the averments made in the abovesaid FIR at page 30 and 32 of the paper book wherein petitioner, Deepak Kumar has been mentioned as son of Smt.Usha Rani whereas he is son of Smt.Sushil Kanta which fact has also been recorded in the Annexure 'D' (copy of the order-sheet dated 8th August, 2014).

3. Status report on behalf of the State has been filed as per which the investigation has been completed and the charge-sheet has been submitted in the Court.
4. In the instant case once charge-sheet has been filed the petitioner has ample opportunity to raise these contentions before the learned Trial Court and it is for the learned Trial Court to form an opinion as to whether a prima facie case is made out against the petitioner or it is a case of discharge.
5. Since the order on charge is yet to be passed, this Court cannot conduct a mini trial.
6. Therefore, I am of considered view that present petition cannot be allowed. The contention raised before this Court, may be raised by the petitioner before learned Trial Court at the stage of consideration of charge. Depending upon the outcome, the petitioner can avail the appropriate remedy as per law.
7. The writ petition is dismissed.

PRATIBHA RANI, J.

NOVEMBER 07, 2017

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