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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 1309/2016 & CRL.M.A. 5599/2016**

SURINDER GUPTA Petitioner
Through: Petitioner in person.

versus

THE STATE & ANR Respondents
Through: Ms. Meenakshi Dahiya, APP for
State with ASI Ram Lakhan, P.S.
Roop Nagar.
Mr. Shiv Charan Garg with Mr. Imran
Khan, Advocate for R-2.

CORAM:
HON'BLE MR. JUSTICE R.K.GAUBA

ORDER
% **27.08.2018**

The petitioner was summoned by the Metropolitan Magistrate by order dated 10.12.2013 on the basis of report under Section 173 of Code of Criminal Procedure, 1973 (Cr.P.C.) (case No. 441/ST/13) submitted on conclusion of investigation into FIR No.130/13 of Police Station Roop Nagar. By a subsequent order dated 13.08.2015, he was put on trial for offence under Section 3 of Delhi Prevention of Defacement of Property Act, 2007. The FIR of the case was registered at the instance of second respondent, who, concededly, has had some prior dispute with the petitioner, the prime allegation being that he had put certain banners on a public place on public property including government public school thereby defacing the said public property. The case after framing of charge has entered trial.

The present petition was filed invoking the inherent power of this Court under Section 482 Cr.P.C. to seek quashing of the said proceedings and the charge-sheet filed on 29.11.2013 on the ground the acts alleged would not make out a good case of defacing of the public property.

It is noted that the petitioner has impugned the order dated 10.12.2013 whereby he was summoned as an accused. The subsequent proceedings conducted would rather show that charge was framed, the trial having commenced. In the given facts and circumstances, it will be proper that the petitioner raises all his contentions set out in the petition as defences in the ongoing trial before the concerned court. No case for intervention of this Court at this stage is made out.

The petition is dismissed. This disposes of the application (Crl.M.A. 5599/2016) as well.

R.K.GAUBA, J

AUGUST 27, 2018
srb