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

+ **CRL.M.C. 2004/2016 & CRL.M.A. 8481/2016**

BALBIR SINGH

..... Petitioner

Through: Ms. Sangeeta Gupta, Proxy Adv.

versus

STATE & ANR.

..... Respondents

Through: Mr. Ashish Dutta, APP for the State.
Mr. Harish Katyal & Ms. Sonika
Katyal, Advs. for R-2.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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25.09.2018

On the criminal complaint (CC no. 75/2014) presented on 29.08.2013 by the second respondent, the Metropolitan Magistrate held preliminary inquiry and on that basis, by order dated 15.07.2014, issued summons against the petitioner and one Sukhbir Singh, calling them upon to appear as accused to face criminal proceedings for offences allegedly committed, they being punishable under Sections 420/406/467/468/471 of Indian Penal Code, 1860 (IPC). The said order was challenged by the petition at hand invoking the inherent power and jurisdiction of this Court under Section 482 of the Code of Criminal Procedure, 1973 (Cr.P.C.).

The trial court record has been called for and perused. Having regard to the contentions raised by the petitioner, it is noted that questions of fact primarily of denial of complicity in the crimes alleged, are raised. Such

questions of fact cannot be properly, effectively or conclusively addressed in proceedings under Section 482 Cr.P.C. [*Rajiv Thapar and Ors. Vs. Madan Lal Kapoor, (2013) 3 SCC 330*].

The trial court record shows that the case is at the stage of pre-charge evidence, the complainant presently making endeavour to adduce requisite material to support the case on the basis of which he wants to trial to proceed on specific charges for afore-mentioned offences.

The petitioner should raise the contentions set out in the petition at hand in the course of such proceedings and submit his contentions for consideration when the case reaches the stage of consideration of charge before the trial court.

No case is made out for any interference by this court at this stage of the process.

The petition and the application filed therewith are disposed of with these observations.

The trial court record shall be returned forthwith.

R.K.GAUBA, J

SEPTEMBER 25, 2018

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