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IN THE HIGH COURT OF DELHI AT NEW DELHI

Decided on:- 27th November, 2018

+ CRL. M.C. 1993/2015

NARINDER KUMAR ARORA & ORS. Petitioners

Through: Mr. Varun Gupta for Ms. Pratiti
Rungta, Adv.

versus

STATE & ANR. Respondent

Through: Mr. K.S. Ahuja, APP for the
State with SI Durgadas, PS
Saket.

Ms. Manmeet Arora & Ms.
Pavitra Kaur, Advs. for R-2.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER (ORAL)

1. On the criminal complaint (CC no. 10/01/2012) of the second respondent, the Additional Chief Metropolitan Magistrate (South District) directed the station house officer of police station Saket to register first information report and carry out investigation as per law, in wake of which directions FIR No. 108/2013 was registered on 01.04.2013 by police station Saket and investigation taken up for offence under Section 420 Indian Penal Code (IPC), to which offences punishable under Sections 468 and 471 IPC have been added later, material in support of such additional offences statedly having come up during the course of investigation.

2. The present petition was filed seeking quashing of the said FIR and the criminal complaint invoking the jurisdiction of this Court under Section 482 Cr.P.C., primarily on the ground that the allegations are false and concocted, the circumstances not having been properly construed by the Additional Chief Metropolitan Magistrate. The status reports which have been filed by the State, on the basis of investigation carried out thus far, reveal that the allegations in the complaint which has been translated into FIR, calls for a deeper probe.

3. Against this backdrop when the matter was taken up on 9th July, 2018, the petitioner through counsel had sought pass over to seek further instructions. When the matter came up again for hearing, there was no appearance on behalf of the petitioners. Thus, the matter was adjourned for today subject to costs of Rs. 10,000/- to be deposited. Though it is stated that the costs have been deposited with Delhi High Court Legal Services Committee, when the matter was called out in its turn there was no appearance on behalf of the petitioners.

4. At 4.00 p.m. when the matter was called out for hearing, another proxy counsel appeared and wanted to mention and seek adjournment on the ground that the main counsel was not able to come.

5. The matter has been taken up against the above backdrop.

6. Having heard the submissions and perused the record, this Court finds no good case for quashing the FIR or the criminal case in as much as the petition, at best, raises questions of fact which cannot be properly or effectively addressed in the jurisdiction under Section

482 Cr. PC. [*Rajiv Thapar and Ors. Vs. Madan Lal Kapoor*, (2013) 3 SCC 330] .

7. The petitioners may raise the contentions as to their innocence in the ongoing investigation and if need be in the proceedings that would follow thereafter in the criminal court.

8. Nothing in this order shall be construed as expression of opinion on merits of the case.

9. The petition is disposed of in above terms.

R.K.GAUBA, J.

NOVEMBER 27, 2018

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