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

+ CRL.M.C. 5545/2018 and CrI. M.A. 35377/2018

DR. VIVEK KUMAR BHARDWAJ

..... Petitioner

Through: Mr. Sandeep Aggarwal, Sr. Advocate
with Mr. Khurram Salim, Advocate

versus

STATE & ANR

..... Respondents

Through: Mr. Kewal Singh Ahuja, APP for the
State with Insp. Samar Pal

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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31.10.2018

The present petition under Section 482 of the Code of Criminal Procedure, 1973 (Cr. PC) prays for quashing of the first information report (FIR) no.35/2018 of police station Economic Offences Wing involving offences punishable under Sections 406, 409, 420, 120B, 34, 109, 201, 204 of Indian Penal code, 1860 (IPC) and the proceedings emanating therefrom. It appears the petitioner has been arrested during the course of investigation of the said FIR and is presently in judicial custody. It further appears from the documents filed by the petitioner himself that investigation has already been completed and a final report (charge-sheet) under Section 173 Cr. PC dated 04.10.2018 has been submitted in the court of the Chief Metropolitan Magistrate, New Delhi wherein the said court of

cognizance is yet to consider the same, it being pending for such purposes on 01.11.2018.

The learned Additional Public Prosecutor submitted that further investigation is also underway and a supplementary report under Section 173 Cr. PC is also expected to be filed in near future.

The counsel for the petitioner contends that there is no case made out against him and therefore, the continuation of the proceedings arising out of the said FIR is an abuse of the process of law. In his endeavour to persuade this court to exercise the jurisdiction under Section 482 Cr. PC., he places reliance on the rulings in *Anil Kohli vs. State (NCT of Delhi)*, 95 (2002) DLT 173 and *V.P. Shrivastava Vs. Indian Explosives Ltd. & Ors.*, SLP (Crl.) 1198/2008, decided on 24.09.2010.

Given the fact that the investigation has already been concluded and the fact that the final report of investigation proposing prosecution, *inter alia*, of the petitioner has been submitted, the matter being pending consideration by the court of cognizance, there is no good reason why at this stage of the process, this court should intervene or the normal procedure where the court of the Metropolitan Magistrate is to first consider the report of investigation for purposes of taking cognizance and issuance of process under Section 190 and 204 Cr. PC should not be followed.

The petition and the application filed therewith are dismissed.

R.K.GAUBA, J

OCTOBER 31, 2018/yg

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