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

+ CRL.M.C. 6123/2018 & CrI.M.A. 48710/2018

VIKAS SAHARAWAT & ORS. Petitioners

Through: Mr. Pankaj Kumar, Adv.

versus

STATE & ORS. Respondents

Through: Mr. Amit Ahlawat, APP for the State
with SI Rituraj, PS Mianwali Nagar.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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04.12.2018

The report (charge-sheet) under Section 173 of the Code of Criminal Procedure, 1973 (Cr.P.C) was submitted in October, 2012. After six years of the said charge-sheet having been submitted, the petition has been brought under Section 482 Cr.P.C. seeking quashing of the proceedings arising out of FIR No. 187/2011 under Sections 498A/406/34 IPC on behalf of some of the accused persons, there being no plausible explanation as to why these contentions cannot be urged at the time of consideration of charge before the trial court, there also being no explanation as to why such consideration has not come up over the last six years. The questions raised are essentially questions of fact which cannot be addressed in the proceedings under Section 482 Cr.P.C., not the least at this stage of the process [*Rajiv Thapar and Ors. Vs. Madan Lal Kapoor, (2013) 3 SCC 330*]. There is no reason why the petitioners should not raise these contentions

before the trial court at the stage of consideration of charge and, thereafter, if need be, pursue the appropriate remedies. Rushing to this Court, bypassing the normal procedure in law, cannot be approved.

The petition and the application filed therewith are dismissed.

R.K.GAUBA, J

DECEMBER 04, 2018

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