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IN THE HIGH COURT OF DELHI AT NEW DELHI

Decided on:- 18th July, 2018

+ CRL. M.C. 5224/2015

MOHAN LAL & ORS. Petitioners

Through: Ms. Shabeena Anjum with
Mohd. Amanullah, Advs.

versus

STATE OF NCT OF DELHI & ANR. Respondents

Through: Mr. Mukesh Kumar, APP for
the State with SI Omveer Singh,
PS Nand Nagri.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER (ORAL)

1. By the petition at hand filed invoking inherent jurisdiction of this Court under Section 482 of the Code of Criminal Procedure, 1973 (Cr.P.C), the petitioners pray for the proceedings in the criminal case arising out of FIR No. 247/2008 of police station Nand Nagri involving offences punishable under Sections 452/323/506/34 IPC to be quashed, the submission being that the prosecution is vitiated, illegal and in the nature of abuse of the process of the court, the allegations made at the instance of the private party respondent being false and manipulated and with the intent to wreak vengeance.

2. The learned Additional Public Prosecutor pointed out that the investigation into the afore-mentioned FIR was completed and report

under Section 173 Cr.P.C. filed by the police in August, 2008. He further pointed out that cognizance was taken by the Magistrate on the said charge-sheet leading to process being issued against the petitioners and after their presence had been secured, the Metropolitan Magistrate heard arguments on the question of charge, finding by her order dated 28.05.2014 that charge was *prima facie* made out for putting the petitioners on trial for offences punishable under Sections 452/323/506/34 IPC. In the wake of the said order, formal charge was accordingly framed, putting the petitioners on trial.

3. Against the above backdrop, it cannot be said that the allegations against the petitioners are wholly unfounded. Whether or not the evidence relied upon by the prosecution in support of its case merits reliance is an issue which will have to be determined after the evidence has been recorded during the trial. Questions of fact cannot be gone into in this case by this Court in the jurisdiction under Section 482 Cr.P.C.

4. The petition, therefore, is misconceived and is dismissed.

R.K.GAUBA, J.

JULY18, 2018

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