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

+ CRL.M.C. 1146/2024

ANIL GARG

..... Petitioner

Through: Petitioner in person.

versus

THE STATE OF N C T
OF DELHI & ANR.

..... Respondents

Through: Mr. Hitesh Vali, APP for
the State with SI Garima
Bhatia & SI Vivek Kumar,
PS Adarsh Nagar.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

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13.02.2024

CRL.M.A. 4527/2024 (*exemption from filing the certified translation of the annexures*)

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

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3. The present petition is filed under Section 482 of the Code of Criminal Procedure, 1973, seeking quashing of the FIR No. 123/2021, under Section 323/325/341/506 of the Indian Penal Code, 1806 ('IPC'), registered at Police Station Adarsh Nagar and further proceedings emanating therefrom.
4. The FIR was registered on the complaint given by Sh. Neo Ram Sharma. The charges in the present case have already been framed and the matter is at the stage of examination of official witnesses.
5. The petitioner, who appears in person, submits that the deposition of PW-1 and PW-3 do not support the case of the



prosecution and, in such circumstances, the proceedings ought to be quashed. He has taken the Court through the deposition of PW-1 in order to contend that there are discrepancies in the statement given by PW-1 in his deposition and statement given at the time of registration of FIR. He has also taken the Court through the deposition of PW-3 to contend that PW-3 had not identified the petitioner/accused before the learned Trial Court.

6. The trial is at the stage of prosecution evidence. The witnesses – PW-1 and PW-3 were examined on 30.05.2023 and 13.09.2023 respectively. This Court while exercising the jurisdiction under Section 482 Cr.P.C. does not consider it apposite to quash the proceedings on the mere ground that there have been some discrepancies in the evidence given by two witnesses.

7. The conviction or acquittal of accused is not merely dependent upon the statement of one witness or two witnesses. The learned Trial Court after considering the entire evidence and the statements given by all the witnesses passes the final judgment. Only because some discrepancies have been pointed out in the statement given by two witnesses cannot be the ground for quashing of the proceedings.

8. It is also pointed by the learned Additional Public Prosecutor for the State that the trial is at a fag end and only formal witness are remaining to be examined.

9. In view of the above, this Court does not consider it apposite to entertain the present petition, and the same is dismissed.

AMIT MAHAJAN, J

FEBRUARY 13, 2024

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