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

+ **CRL.M.C. 2229/2018 & CRL.M.A. 7901/2018**

BRIJ NANDAN GUPTA @ VIJAY GUPTA & ORS.....Petitioners

Through: Mr.Alok Bhachawat, Mr.Ishan Jain
and Ms.Ronall Palod, Advocates

versus

STATE (NCR OF DELHI) & ORSRespondents

Through: Mr.Mukesh Kumar, APP for the State
alongwith SI Sandeep Rawal, P.S.-
Govindpuri
Mr.Ram Narayan Mishra and
Mr.Radhe Shyam, Advocates for R-4
and 5

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

06.11.2024

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1. The instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 has been filed on behalf of the petitioners seeking the following reliefs:-

- “1. to quash F.I.R. No. 43/2015 dated 8-1-2015;*
- 2. to quash the final report by the district South East, Police Station, Govindpuri, New Delhi under sec. 173 Cr.P.C. dated 21-3-2015 in F.I.R. No. 43/2015,*
- 3. to quash the orders dated 16-4-2018 of framing of charges in F.I.R. no. 43/2015 passed by MM-04, Saket Delhi;*
- 4. Any other proper orders may also be passed as this court may deem fit and proper in the facts and circumstances of the case;”*



2. Briefly stated, the case of the petitioners is that on the same day regarding the same incident, two FIRs bearing No.42/2015 under Sections 341/323/506/34 IPC and 43/2015 under Sections 323/341/34 IPC were lodged.

3. Learned counsel appearing on behalf of the petitioners submitted that in fact, the FIRs bearing No. 43/2015 and 42/2015 arises out of the same incident. Learned counsel further submits that FIR No. 43/2015 is liable to be quashed. It is submitted that in FIR bearing No. 43/2015, Thakur Biswas and Meera Biswas with whom the petitioners has longstanding enmity, have falsely made the present petitioners as accused.

4. At the outset, learned APP for the State submitted that thorough investigation has been conducted in both the aforementioned FIRs and the chargesheet has already been filed, material witnesses have been examined and the case is at the stage of prosecution of witnesses.

5. It is a settled proposition of law that the Court, while exercising the powers under Section 482 Cr.P.C. has to be exercised with great circumspection. The High Courts must give due regard to the nature and gravity of offence sought to be compounded. Inherent power u/s 482 Cr.P.C. is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guidelines engrafted in such power i.e. to secure the ends of justice, and/or to prevent abuse of the process of any court.

6. It is correct that the grounds as given above are only legislative and not exhaustive, but the basic test is that, if the facts, on the face of it, shows that continuation of the proceedings would be abuse of justice should be quashed. However, in these proceedings, High Court cannot enter into the meticulous appreciation of the facts. In the present case, the chargesheets



have already been filed and the case is at the stage of prosecution evidence. The learned Trial Court is seized of the matter. Thus, it would be in the fitness of the things that the trial be conducted in accordance with law.

7. With the aforesaid observations, the instant petition alongwith pending application stands dismissed.

DINESH KUMAR SHARMA, J

NOVEMBER 6, 2024

Dy/kr..