

**(2014) 11 DEL CK 0259**  
**In the Delhi High Court**  
**Case No : Crl. M.C. No. 4165/2014**

Naved Yar Khan

APPELLANT

Vs

State of NCT of Delhi

RESPONDENT

**Date of Decision :** 21-11-2014

**Acts Referred:**

Criminal Procedure Code, 1973 (CrPC) — Section 258, 397, 482  
Delhi Police Act, 1978 — Section 112, 28

**Citation :** (2014) 11 DEL CK 0259

**Hon'ble Judges :** V.P. Vaish, J

**Bench :** Single Bench

**Advocate :** Ranjan Roy, Advocate for the Appellant; Yogesh Verma, APP,  
Advocate for the Respondent

## Judgement

V.P. Vaish, J.—By this petition under Section 482 of the Code of Criminal Procedure, 1973 (hereafter referred to as "Cr.P.C") the petitioner has assailed the order dated 09.07.2014 passed by learned Additional Session Judge (Central-5) , Tis Hazari Court, Delhi whereby criminal revision filed by the petitioner was dismissed.

2. In nutshell, the facts of the present case are that a Kalandra under Sections 28/ 112 of Delhi Police Act, 1978 vide DD No. 28 dated 08.12.2006 registered at P.S. Chandni Chowk was issued against the petitioner for running guest house without a licence. Thereafter, the petitioner moved an application under Section 258 Cr.P.C. to stop the proceedings. The said application was dismissed by learned trial court vide order dated 20.01.2014.

3. Against the order dated 20.01.2014, the petitioner filed Criminal Revision No. 44/2014 which was dismissed by learned Additional Sessions Judge vide impugned order dated 09.07.2014.

4. Learned counsel for the petitioner urges that an application for grant of licence for running guest house on 18.10.2002 along with the requisite documents were

submitted. Thereafter, the petitioner received a letter dated 04.10.2006 from DHO, City Zone, MCD wherein it was acknowledged that the documents were submitted by the petitioner. He further submits that copy of letter dated 04.10.2006 was delivered to the concerned police station.

5. Learned counsel for the petitioner also submits that the petitioner has already closed the guest house and has withdrawn the application for grant of licence to run the guest house. Therefore, no useful purpose would be served if the proceedings are continued.

6. At this juncture, it is relevant to reproduce the provisions of Section 258 of Cr.P.C.-

"Power to stop proceedings in certain cases- In any summons-case instituted otherwise than upon complaint, a Magistrate of the first class or with the previous sanction of the Chief Judicial Magistrate, any other Judicial Magistrate, may, for reasons to be recorded by him, stop the proceedings at any stage without pronouncing any judgment and where such stoppage of proceedings is made after the evidence of the principal witnesses has been recorded, pronounce a judgment of acquittal, and in any other case, release the accused, and such release shall have the effect of discharge."

7. The powers of this Court under Section 482 Cr.P.C. are very wide, however, it has to be used sparingly and cautiously and to prevent abuse of process of law or otherwise to secure ends of justice.

8. In the instant case, the application under Section 258 Cr.P.C. was dismissed by the trial court on the ground that notice has already been framed and the matter is at the stage of prosecution evidence. The petitioner filed criminal revision under Section 397 Cr.P.C. before learned Additional Sessions Judge, Delhi which was dismissed vide impugned order dated 09.07.2014. The petitioner cannot be allowed to urge the same point before this Court under Section 482 Cr.P.C. Moreover, the petitioner has not been able to make out any case of abuse of process of Court or otherwise to secure the ends of justice. There is no illegality or impropriety in the impugned order.

9. The present petition is without any merit and the same is hereby dismissed.

CrI.M.A. 14309/2014

The application is dismissed as infructuous.