
(2011) 02 DEL CK 0024

In the Delhi High Court

Case No : Writ Petition (Criminal) No. 1137 of 2007

Niaz Begum and Another

APPELLANT

Vs

State and Others

RESPONDENT

Date of Decision : 21-02-2011

Acts Referred:

Constitution of India, 1950 — Article 226, 227
Criminal Procedure Code, 1973 (CrPC) — Section 482
Penal Code, 1860 (IPC) — Section 34, 406, 498A

Citation : (2011) 02 DEL CK 0024

Hon'ble Judges : S.N. Dhingra, J

Bench : Single Bench

Advocate : Kunwar C.M. Khan and Vikas Singh, for the Appellant; Sanjeev Bhandari, ASC for State and S.D. Ansari, for the Respondent

Final Decision : Dismissed

Judgement

Shiv Narayan Dhingra, J.—This petition under Article 226 and 227 of the Constitution of India read with Section 482 Criminal Procedure Code has been preferred by the Petitioners for quashing of FIR No. 363 of 2006 under Sections 498A/406/34 IPC lodged by the wife/ Respondent No. 3 herein and for issuance of mandamus commanding the Respondents for issuance of appropriate directions to the Respondents for proper investigation as well as action against erring police officials of CAW in accordance with law and directing DCP(South) to hold independent and impartial inquiry.

2. The challan in this case has already been filed after completion of investigation. The powers u/s 482 Criminal Procedure Code for quashing of an FIR are to be exercised by the High Court in rare cases. Once investigation is complete, an FIR cannot be quashed by the High Court on the ground that FIR discloses no involvement of the accused in commission of offence. It is settled law that an FIR is not an encyclopedia of facts but it is an information to police to start investigation into the crime and to file a report. Once investigation is

complete, the only option available before the Petitioners is to argue on charge before the trial court concerned.

3. The petition is accordingly dismissed being not maintainable.