

(2019) 02 DEL CK 0563

In the Delhi High Court

Case No : Criminal Miscellaneous Case No. 1873, 1880 Of 2017, Criminal Miscellaneous Application No. 7659, 7688 Of 2017

Suraj Prakash Ratra & Anr

APPELLANT

Vs

State & Anr

RESPONDENT

Date of Decision : 06-02-2019

Acts Referred:

Indian Penal Code, 1860 — Section 34, 406, 498A
Code Of Criminal Procedure, 1973 — Section 482

Citation : (2019) 02 DEL CK 0563

Hon'ble Judges : Sunil Gaur, J

Bench : Single Bench

Advocate : L.S.Solanki, Anu Solanki, Neelam Sharma, Pravin Sharma

Final Decision : Disposed Of

Judgement

Sunil Gaur, J

Quashing of charge sheet filed in FIR No.265/2012, under Sections 498A/406/34 of IPC registered at police station Sarita Vihar, Delhi and withdrawal of look out circular (LOC) issued against petitioners is sought. In the above captioned second petition, complainant's husband makes a similar prayer.

Since both the petitions arise out of one FIR, therefore they have been heard together and are being disposed of by this common order.

Learned counsel for petitioners submits that look out circular against petitioners in the above captioned first petition has already been withdrawn by the trial court and no case for proceedings with the trial in this FIR case against petitioners - Suraj Prakash Ratra and Asha Ratra is made out. It is also submitted that even against complainant's husband in above captioned second petition, no case is made out and the application to seek withdrawal of look out circular is pending before the trial court.

Since petitioners have an alternate and efficacious remedy to seek discharge

from trial court by urging the pleas taken herein, therefore, this Court is not inclined to exercise its inherent jurisdiction under Section 482 of Cr.P.C.

Accordingly, these two petitions and the applications are disposed of with liberty to petitioner to urge the plea taken herein before the trial court at the hearing on the point of charge and the trial court shall pass appropriate orders on the application for withdrawal of look out circular filed by the petitioner - Atul Kumar Ratra and expeditiously dispose of the application.

Both the petitions and applications are accordingly disposed of, without commenting on the merits of the case.