

Krishan Kumar Vs. Govt. of Nct of Delhi and anr

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Court : Delhi

Decided On : Dec-20-2010

Judge : Shiv Narayan Dhingra, J.

Acts : [Constitution of India](#) - Article 227; Code of Criminal Procedure (CrPC) - Sections 482, 251

Appeal No. : Crl.M.C.No. 3850/2010

Appellant : Krishan Kumar

Respondent : Govt. of Nct of Delhi and anr

Advocate for Def. : Mr. Sunil Sharma; Mr. Sunil Fernandes; Mr. Deepak Pathak, Adv.

Advocate for Pet/Ap. : Mr. C.S.Ratoure; Mr. Muntazir Mehdi, Adv.

Judgement :

This petition has been filed by the petitioner under Article 227 of the [Constitution of India](#) read with Section 482 Cr.P.C. for quashing/setting aside the summoning order dated 6th September, 2010 passed by the learned Special Judge on a complaint of the respondent about theft of electricity. The petitioner has sought quashing of complaint and the summoning order on the ground that the petitioner was falsely involved by the respondent in a case of theft of electricity. The inspection report of the respondent and the consequential allegations that theft was committed by the petitioner have also been assailed on the ground that the

inspection report was false and it was not in respect of the premises of the petitioner. The petitioner has relied upon certain photographs filed with the complaint showing that the alleged cable through which electricity was considered stolen was not coming into his house.

It is obvious that the petitioner has raised disputed questions of facts in this petition. This Court cannot adjudicate questions of facts in a petition under Section 482 Cr.P.C. The petitioner has to approach the trial Court and at the time of taking notice under Section 251 Cr.P.C., the petitioner has to disclose his defence and prove the defence during trial. I find no force in this petition. The petition is hereby dismissed.

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