

Usha Ahuja

Vs

State of Haryana and Others

Criminal Appeal No. 842 of 1999

(K. Venkataswami, S. M. Guadri JJ)

24.08.1999

JUDGMENT

SYED SHAH MOHAMMED QUADRI, J. –

1. Leave is granted.

2. The appellant and the second respondent were partners of a partnership firm M/s. Jupiter Industries. A complaint was lodged against the second and third respondents, FIR No. 193, under Sections 405, 406 and 408 IPC at Police Station Mujessar, District Faridabad on 19-7-1996. A civil suit is pending between the parties for dissolution of the partnership firm and rendition of accounts. The said respondents filed Criminal Miscellaneous Petition No. 24679-M of 1997 before the High Court of Punjab and Haryana praying to quash the FIR. The High Court by its order dated 17-4-1998, having noticed that a civil suit is pending between the parties and investigation on the complaint of the appellant by the police is in progress, stayed the filing of the final report under Section 173 CrPC by the police. It is from that order, this appeal has arisen.

3. Heard the learned counsel for the parties.

4. The relevant portion of the impugned order of the High Court reads as follows :

"In view of the facts and circumstances of the case, it appears to be reasonable, if the filing of the final report under Section 173 CrPC is stayed till the decision of the suit. Ordered accordingly."

5. It is now well settled that the width of power of the High Court under Section 482 CrPC, in principle, is very expansive but in practice the power is exercised in exceptional cases. The inherent power of the court is not an unrestricted power to make any order which the High Court desires to pass. The power is meant to be exercised to give effect to any order under CrPC or to prevent abuse of the process of any court or otherwise to secure the ends of justice. By passing the impugned order, the High Court did not achieve any of the purposes for which the power exists. It does no good to anybody. It is of utmost importance that criminal cases be disposed of expeditiously as right of an accused to have speedy trial, is a right which flows from Article 21 of the Constitution. Far from ensuring a speedy trial the High Court placed an embargo at the pre-trial stage by staying the filing of final report by the police under Section 173 CrPC. It is a well-known fact that disposal of a civil suit takes a fairly long time, so no useful purpose will be achieved by staying the filing of the final report under Section 173 CrPC by the police till the disposal of the suit. The impugned order serves no useful purpose, nay, it is wholly extraneous to the purposes for which the power is

preserved. In our view, it is most inappropriate to stay the filing of the final report by the police under Section 173 CrPC after the police has investigated the case. We are, therefore, unable to sustain the order under appeal; we set aside the same. Let further steps be taken in accordance with law. Appeal is accordingly allowed.