
(2011) 11 UK CK 0131

In the Uttarakhand High Court

Case No : Criminal Miscellaneous Application (C482) No. 999 of 2011

Abdul Rasheed and Others

APPELLANT

Vs

Masitulla

RESPONDENT

Date of Decision : 03-11-2011

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Penal Code, 1860 (IPC) — Section 147, 148, 325, 504, 506

Citation : (2011) 11 UK CK 0131

Hon'ble Judges : Prafulla C. Pant, J

Bench : Single Bench

Judgement

Hon"ble Prafulla C. Pant, J.—Heard.

2. By means of this petition moved u/s 482 of Code of Criminal Procedure, 1973 (for short Cr.P.C.) the petitioners have sought quashing of the proceedings of Criminal Complaint Case No. 416 of 2011, Masitulla vs. Abdul Rasheed and others, relating to offences punishable u/s 147, 148, 325, 504, 506 IPC, Police Station Kunda, pending in the court of Judicial Magistrate, Kashipur, Udham Singh Nagar.

3. Learned counsel for the petitioners submitted that petitioner nos. 1, 2, 3 and complainant are real brothers. It is further pleaded that there is property dispute between them. It is also stated that one of the petitioner has also taken plea of alibi.

4. However, on going through the papers on record, this Court finds that the allegations in the criminal complaint are supported by medical report relating to injuries suffered by the complainant which discloses two incised wounds. As far as plea of alibi is concerned the same is factual plea which cannot be examined by this Court in its jurisdiction u/s 482 Cr.P.C.. It is for the trial court to examine such plea after recording evidence of the parties.

5. For the reasons as discussed above, without expressing any opinion as to final

merits of the case, the petition u/s 482 Cr.P.C., is dismissed with the observation that if the petitioners namely Abdul Rasheed, Sharafat, Najakat, Aijurahman @ Gama and Guddu surrender before the court concerned their bail application shall be heard, and disposed of without unreasonable delay.