
(2011) 02 UK CK 0009

In the Uttarakhand High Court

Case No : Criminal Miscellaneous Application (C-482) No. 735 of 2010

Abhishek Banta, Proprietor Param Hans Communication

APPELLANT

Vs

Sanjeev Kumar Gupta

RESPONDENT

Date of Decision : 15-02-2011

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Penal Code, 1860 (IPC) — Section 323, 452, 504, 506

Citation : (2011) 02 UK CK 0009

Hon'ble Judges : Prafulla C. Pant, J

Bench : Single Bench

Judgement

Prafulla C. Pant, J.—Heard.

2. By means of this petition, moved u/s 482 of Code of Criminal Procedure, 1973, the Petitioner has challenged the proceedings of the, Sanjeev Gupta v. Abhishek Banta Criminal Complaint Case No. 1042 of 2006, relating to offences punishable u/s 452, 323, 504 and 506 I.P.C., pending in the court of Additional Judicial Magistrate, Rishikesh, District Dehradun.

3. Perusal of the copy of criminal complaint which is annexed as Annexure -3 to the petition shows that the complainant was an employee of the Petitioner. It also appears from the complaint itself that there were certain alleged outstanding dues of the complainant from the Petitioner.

4. Learned Counsel for the Petitioner submitted that it is abuse of process of law on the part of the complainant to implicate the Petitioner in a criminal complaint case to pressurize the Petitioner to make payment of his dues. It is also pointed out that already the dispute relating to claim made by the complainant is pending before the labour court.

5. Having considered submissions of learned Counsel for the parties, and after going through the the papers on record, this Court is of the view that impugned proceedings of the criminal complaint case are nothing to abuse of process of law

on the part of the complainant. Therefore, the petition u/s 482 of Cr.P.C is allowed and the proceedings of the Criminal Complaint Case No. 1042 of 2006, Sanjeev Gupta v. Abhishek Banta, relating to offences punishable u/s 452, 323, 504 and 506 I.P.C., pending in the court of Additional Judicial Magistrate, Rishikesh, District Dehradun, are hereby quashed.