

(2011) 01 UK CK 0059

In the Uttarakhand High Court

Case No : Criminal Writ Petition No. 01 of 2011

Air Marshal Kanwar Dalinderjit Singh, PVSM, AVSM (Retd.)

APPELLANT

Vs

State of Uttarakhand

RESPONDENT

Date of Decision : 04-01-2011

Acts Referred:

Constitution of India, 1950 — Article 226

Penal Code, 1860 (IPC) — Section 323, 504, 506

Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 —
Section 3(1)

Citation : (2011) 1 UC 202

Hon'ble Judges : Prafulla C. Pant, J

Bench : Single Bench

Judgement

Prafulla C. Pant, J.—Heard.

2. By means of this writ petition, moved under Article 226 of the Constitution of India, the Petitioner has sought quashing of the first information report dated 27.12.2010 (FIR No. 222 of 2010), lodged at police station Sitarganj, District Udham Singh Nagar, relating to offences punishable u/s 323, 504, 506 of I.P.C., and one punishable u/s 3(1)(x) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3. Learned Counsel for the Petitioner submitted that Petitioner is a retired Air Marshal, PVSM, AVSM. It is further pleaded that it is nowhere mentioned in the first information report that the complainant was member of Scheduled Caste. It is further pleaded that it is also not mentioned if the incident had taken place in public view. Learned Counsel for the Petitioner further submitted that real dispute between the parties relates to possession of a piece of land, regarding which there is a suit pending before the civil court. It is argued on behalf of the Petitioner that it is abuse of process of law on the part of the complainant to implicate the Petitioner in a criminal case just to pressurize him in the civil suit.

4. Admit the petition.

5. Learned Counsel for the State prays for and is allowed six weeks" time to file the counter affidavit.
6. Issue notices to Respondent No. 3 Shri Ram, who may also file his counter affidavit, within a period of six weeks.
7. In the above circumstances, without expressing any opinion as to the final merits of the case, as an interim measure, it is directed that the Petitioner Air Marshal Kanwar Dalinderjit Singh (Retd.) shall not be arrested in connection with the aforesaid crime, during investigation, provided he cooperates with the investigating agency.