
(2012) 05 UK CK 0024

In the Uttarakhand High Court

Case No : Criminal Miscellaneous Application (C482) No. 499 of 2012

Dinesh Chandra Budhlakoti

APPELLANT

Vs

State of Uttarakhand and Ashok Kumar Tiwari

RESPONDENT

Date of Decision : 19-05-2012

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Penal Code, 1860 (IPC) — Section 420, 452, 482, 504, 506

Citation : (2012) 05 UK CK 0024

Hon'ble Judges : Prafulla C. Pant, J

Bench : Single Bench

Advocate : Arvind Vashisth, for the Appellant; M.A. Khan, Brief Holder, for the Respondent

Judgement

Hon'ble Prafulla C. Pant, J.—Heard. By means of this petition moved u/s 482 of Code of Criminal Procedure, 1973 (for short Cr.P.C.) the petitioner has sought quashing of the proceedings of criminal case no. 52 of 2012, State vs. Dinesh Chand, relating to offences punishable u/s 420, 452, 504, 506 IPC, Patwari Circle Padli, pending in the court of Judicial Magistrate, Nainital.

2. Learned counsel for the petitioner submitted that petitioner has committed no offence. It is further submitted that after the petitioner, Village Pradhan, declined to allow to tap the water from the village by the complainant who was running a resort, a false criminal case has been got initiated against him.

3. However, on going through the entire petition it appears that the factual defences have been raised by the petitioner in support of his plea that he is innocent. Such factual pleas which require evidence of the parties cannot be examined by this Court in its jurisdiction u/s 482 of Cr.P.C. It is for the trial court to examine such pleas after recording evidence of the parties. In the above circumstances, without expressing any opinion as to final merits of the case pending before the trial court, the petition u/s 482 Cr.P.C., is dismissed summarily with the observation that if the petitioner Dinesh Chandra Budhlakoti

surrenders before the court concerned his bail application shall be heard and disposed of without unreasonable delay keeping in mind the defences he has taken as mentioned above.