
(2012) 01 UK CK 0035

In the Uttarakhand High Court

Case No : Criminal Miscellaneous Application No. 112 of 2006

Diwan Singh and others

APPELLANT

Vs

State of Uttaranchal and another

RESPONDENT

Date of Decision : 10-01-2012

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Penal Code, 1860 (IPC) — Section 420, 467, 468, 471

Citation : (2012) 01 UK CK 0035

Hon'ble Judges : Servesesh Kumar Gupta, J

Bench : Single Bench

Judgement

Hon"ble Servesesh Kumar Gupta, J.—By means of this petition moved u/s 482 Cr.P.C., the prayer has been made to quash the charge sheet no. 79 of 2005 dated 15.09.2005 giving rise to Criminal Case No. 2134 of 2005 titled as State of Uttaranchal Vs. Diwan Singh and others. In the said charge sheet, the Investigating Officer has named all the four applicants as accused to stand trial for the offence u/s 420, 467, 468, 471 IPC. The 1st Special Judicial Magistrate, Dehradun has passed order of cognizance thereupon.

2. Having heard upon learned counsel for the parties, it transpires that in the pivot of controversy there is a registered Society under the name and style of Industrial and Educational Institution, 18 Hanuman Chowk, Dehradun, which is indulged in imparting education in sundry streams ever since its inception in 1972-73. From time to time, its registration was got renewed by its office bearers and at one point of time, all the applicants inter alia with certain others were the office bearers of this Society. An election was conducted to elect the new Management Committee on 02.08.2004 wherein all the applicants were allegedly elected as office bearers of the Society. On the contrary, respondent no. 2 Devendra Singh Rana organized another election wherein he was elected as President inter alia with other office bearers of the same.

3. The dispute was heard and decided by the Prescribed Authority on dated

03.06.2005 whereby the election conducted on 02.08.2004 was declared to be struck down while the election held on dated 05.09.2004 was declared to be valid one. This order of the Prescribed Authority was challenged by way of filing writ petition no. 845 (MS) of 2005 in this Court and this Court dismissed that writ petition on 04.09.2007 on merits. The effect of dismissal of the writ petition was to sustain the order of Prescribed Authority. After being elected as President of the Society Devendra Singh Rana lodged an FIR on dated 15.07.2005 (Annexure No. 7 to the petition) against all the applicants narrating a number of irregularities regarding misappropriation of the properties and embezzlement of the funds committed by the office bearers of the Society prior to his election as President and these office bearers were no other than applicants, it was alleged that these accused persons committed several irregularities and these allegations were propped by the Investigating Officer. The charges were substantiated resulting into submission of charge sheet for the offence u/s 420, 467, 468, 471 IPC.

4. It has been contended on behalf of applicants that irregularity, if any in the Society, can properly be looked after only by the Prescribed Authority and cannot be the subject matter of investigation and submission of the charge sheet by the police.

5. This argument is wholly untenable and likely to be rejected with lock, stock and barrel. Having heard the entire merits of the case, this Court finds that there is no reason to quash the charge sheet, so this petition is dismissed being without merits. Interim stay order dated 17.02.2006 passed by this Court is hereby vacated. Court below is directed to proceed ahead with the trial expeditiously because it is already delayed.