

(2011) 07 UK CK 0013

In the Uttarakhand High Court

Case No : Criminal Miscellaneous Application (C-482) No. 758 of 2006

Jagdish Singh and Others

APPELLANT

Vs

State of Uttaranchal and Others

RESPONDENT

Date of Decision : 08-07-2011

Acts Referred:

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

Citation : (2011) 07 UK CK 0013

Hon'ble Judges : Prafulla C. Pant, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Prafulla C. Pant, J.—Heard.

2. By means of this petition, moved u/s 482 of the Code of Criminal Procedure, 1973, the Petitioners have sought quashing of the proceedings of Criminal Complaint Case No. 3214 of 2004, Harjeet Singh v. Bacchan Singh and Ors., relating to offences punishable u/s 420, 467, 468, 471 of I.P.C., pending in the court of Civil Judge (Junior Division)/Judicial Magistrate, Rudrapur, District Udham Singh Nagar.

3. Learned Counsel for the Petitioners submitted that the impugned criminal complaint case is filed against the officers of Allahabad bank by Respondents No. 2 to 5, against whom recovery proceedings were drawn in respect of loan taken from the bank. It is pleaded that it is abuse of process of law on the part of the complainants" to implicate the Petitioners in a criminal complaint case to pressurize them in respect of recovery made by the bank against the debtors and guarantors.

4. No counter affidavit has been filed by the Respondents No. 2 to 5 to controvert the averments made in the petition filed on behalf of the Petitioners, since 2006. In the circumstances, the averments made by the Petitioners cannot

be disbelieved by this Court. Respondents No. 2 to 5 were served personally with the notices issued by this Court in the year 2006.

5. Having considered submissions of learned Counsel for the Petitioners, learned Counsel for State and learned Counsel for Respondents No. 2 and 3, this Court finds that impugned proceedings of the criminal complaint filed against the bank officers is nothing but abuse of process of law.

6. Therefore, the petition u/s 482 of Code of Criminal Procedure is allowed. The proceedings of Criminal Complaint Case No. 3214 of 2004, Harjeet Singh and Anr. v. Bacchan Singh and Ors., relating to offences punishable u/s 420, 467, 468, 471 of I.P.C, police station Rudrapur, pending in the court of Civil Judge (Junior Division)/Judicial Magistrate, Rudrapur, District Udham Singh Nagar, are hereby quashed.