
(2010) 10 UK CK 0075

In the Uttarakhand High Court

Case No : Stay Application No. 9247 of 2010 in Criminal Writ Petition No. 928 of 2010

Kheema Nand Khulve

APPELLANT

Vs

State of Uttarakhand and Others

RESPONDENT

Date of Decision : 29-10-2010

Acts Referred:

Penal Code, 1860 (IPC) — Section 420

Citation : (2010) 10 UK CK 0075

Hon'ble Judges : Dharam Veer, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Dharam Veer, J.—Heard Mr. Vinod Sharma, Advocate for the petitioner and Mr. M.A. Khan, Brief Holder for respondents Nos. 1 and 2.

2. By means of this writ petition, the petitioner has sought quashing of impugned FIR dated 24.10.2010 in FIR No. 506/2010, registered with Police Station Haldwani, District Nainital, relating to offence punishable under Sections 420 of The Indian Penal Code, 1860 (for short, IPC).

3. Facts, in brief are that respondent No. 3 Rajesh Joshi lodged a first information report at P.S. Haldwani against the petitioner with the allegations that on 10.6.2010 the petitioner came in the shop of respondent No. 3 and purchased 65 mobile sets in Rs. 1,33,457/- and in lieu of that amount, the petitioner handed over a postdated cheque dated 20.6.2010 to the respondent No. 3. It is further alleged that when the respondent No. 3 presented the said cheque in the bank the same was returned to the respondent No. 3 due to insufficient funds. It also came into the knowledge of the respondent No. 3 that the cheque given by the petitioner to the respondent No. 3 is not of the account of the applicant rather it was of the account of one Shankar Dutt. It is further stated in the FIR that during the above period the petitioner returned 25 mobile sets to respondent No. 3 telling that these sets are defected. It is further alleged by the respondent No. 3

that from the very beginning it was the intention of the petitioner to cheat the respondent No. 3 and to grab his money.

4. There are specific allegations against the petitioner in the First Information Report.

5. Having considered the submissions of learned Counsel for the petitioner and that of learned Brief Holder for the State and the contents of the impugned First Information Report and facts and circumstances of the case indicates that a prima facie case under the aforesaid section is made out against the petitioner.

6. Keeping in view all these facts and circumstances, the Court is of the view that the petitioner is not entitled to get any relief at this stage by this Court.

7. The writ petition is devoid of merit and is hereby dismissed in limine. (Stay Application No. 9247 of 2010 also stands dismissed).