

(2011) 07 UK CK 0073

In the Uttarakhand High Court

Case No : Criminal Writ Petition No. 617 of 2011 and Stay Application No. 7564 of 2011

Kulwant Singh and Others

APPELLANT

Vs

State of Uttarakhand and Others

RESPONDENT

Date of Decision : 26-07-2011

Acts Referred:

Penal Code, 1860 (IPC) — Section 342, 363, 366

Citation : (2011) 07 UK CK 0073

Hon'ble Judges : Prafulla C. Pant, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Prafulla C. Pant, J.—By means of this writ petition moved under Article 226 of Constitution of India, the Petitioners have sought quashing of the First Information Report dated 23.07.2011 registered as crime No. 44 of 2011, relating to offences punishable u/s 363, 366, 342 I.P.C., police station Kaladhungi, District Nainital.

2. Learned Counsel for the Petitioners submitted that one Guddu is said to have kidnapped the girl, wrongfully confined her, and thereafter he got married with the girl in a Temple. The complainant (Respondent No. 3) has alleged that in the First Information Report that his consent was taken forcibly by threatening her. He is father of the girl. It is further submitted that on behalf of the Petitioners that no role in commission of crime is mentioned in the First Information Report. Only this much is stated that members of the Sikh Community were also present at the time of the marriage. It is argued on behalf of the Petitioners that it is abuse of process of law on the part of the complainant to implicate the Petitioners in a dispute between father in law (complainant), and son in law(Guddu).

3. Admit the petition.

4. Learned Counsel for the State prays for and is allowed four weeks time to file the counter affidavit.

5. Issue notice to Respondent No. 3 Ramswaroop, who may file his counter affidavit within a period of four weeks.

6. Having considered submissions of learned Counsel for the Petitioners, and learned Counsel for the State, and after going through the papers on record, as an interim measure, it is directed that the Petitioners namely Kulwant Singh, Ladi, Bindar Singh, Gyani @ Jasvinder Singh and Hariya shall not be arrested in connection with aforesaid crime, during investigation, provided they cooperate with the investigating agency. (Stay Application No. 7564 of 2011 stands disposed of).

7. List after four weeks