

**(2011) 02 UK CK 0027**

**In the Uttarakhand High Court**

**Case No :** Criminal Miscellaneous Application (C-482) No. 616 of 2007

Nanda Ballabh Pathak

APPELLANT

Vs

State of Uttarakhand and Bharat Ram

RESPONDENT

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**Date of Decision :** 17-02-2011

**Acts Referred:**

Criminal Procedure Code, 1973 (CrPC) — Section 200, 202, 482  
Penal Code, 1860 (IPC) — Section 504, 506

**Citation :** (2011) 02 UK CK 0027

**Hon'ble Judges :** Prafulla C. Pant, J

**Bench :** Single Bench

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**Judgement**

Prafulla C. Pant, J.—Heard.

2. By means of this petition, moved u/s 482 of the Code of Criminal Procedure, 1973 (for short Cr.P.C.), the Petitioner has sought quashing of the proceedings of Criminal Complaint Case No. 195 of 2007; Bharat Ram v. Nanda Ballabh Pathak, pending in the court of Chief Judicial Magistrate, Bageshwar.

3. Brief facts of the case are that the complainant filed a criminal complaint against the present Petitioner seeking his trial in respect of offences punishable u/s 504, 506 of I.P.C. The trial court after recording statement of the complainant u/s 200 of Cr.P.C., and that of the witnesses u/s 202 of Cr.P.C., summoned the accused (present Petitioner) to face trial in respect of offence punishable u/s 504 of I.P.C. only.

4. Learned Counsel for the Petitioner pleaded that the Petitioner has been falsely implicated in the crime. It is also pointed out that during the pendency of this petition, complainant himself has moved an application on 20th of December 2010, before the trial court that he does not want to further prosecute the Petitioner.

5. In the above circumstance, in view of the application dated 20th of December 2010, moved on behalf of the complainant before the Magistrate, this petition u/s

482 of Code of Criminal Procedure is disposed of with the direction to the trial court to decide the case expeditiously. Interim order dated 31.08.2007, passed by this Court, stands vacated.

(Both Stay Vacation Application No. 898 of 2008 as well as Urgency Application No. 55 of 2011 stand disposed of).