

(2025) 06 UK CK 0458

In the Uttarakhand High Court

Case No : Criminal Miscellaneous Application U/s 482 No. 2230 Of 2022

Noor Hasan & Others

APPELLANT

Vs

State Of Uttarakhand Through Secretary Home, Dehradun &
Another

RESPONDENT

Date of Decision : 09-06-2025

Acts Referred:

Indian Penal Code, 1860 — Section 323, 452, 504, 506
Code Of Criminal Procedure, 1973 — Section 482

Citation : (2025) 06 UK CK 0458

Hon'ble Judges : Pankaj Purohit, J

Bench : Single Bench

Advocate : Pankaj Kumar Sharma, S.C. Dumka, Sweta Badola Dobhal

Final Decision : Dismissed

Judgement

Pankaj Purohit, J

1. By means of present C482 application, applicants have put to challenge the charge-sheet dated 06.12.2018; summoning order dated 19.09.2019 as well as the entire proceedings of Criminal Case No.1884 of 2020, State vs. Noor Hasan & others, under Sections 323, 452, 504 & 506 IPC, pending in the court of learned Judicial Magistrate, Roorkee, District Haridwar.

2. Facts in brief are that respondent no.2 lodged the first information report on 16.11.2018 with the allegations that on 15.11.2018, informant was laying slab over drain in front of his gate and in the said drain, the water of the house of applicant also flows, the applicant no.1-Noor Hasan opposed putting slab over the said drain, when informant denied the accused persons/applicants, they started abusing and assaulting the informant and they themselves started breaking the gate of their house and when informant's son, namely, Imran made video of the said incident, the accused persons entered into the house of informant and assaulted his son Imran and when Samshida came to rescue, the accused persons also assaulted her and when the neighbours gathered at the

spot, the accused persons ran away from the spot by threatening them with dire consequences.

3. After investigation, the charge-sheet was submitted by the police against the applicants on 06.12.2018. Thereupon, learned Magistrate issued summons to the applicants on 19.09.2019 Criminal Case No.1884 of 2020, State vs. Noor Hasan & others.

4. Heard learned counsel for the parties.

5. Learned counsel for the applicants submits that applicants have falsely been implicated in the instant crime and no specific role has been assigned to the applicants. There is no independent witness of the alleged incident. He further submits that the learned trial court without examining the evidence on record in a very cursory and mechanical manner summoned the applicants to face the trial.

6. Per contra, learned State Counsel submits that the applicant has raised the serious disputed question of facts before this Court and the same can only be examined during course of trial. He further submits that the learned trial court after appreciating the evidence available on record has rightly summoned the applicants.

7. I have heard learned counsel for the parties and carefully perused the entire documents available on record.

8. The arguments advanced by learned counsel for the applicants are not sustainable at this stage as the same would require evidence to substantiate the said arguments. This Court while sitting in the inherent jurisdiction under Section 482 of Cr.P.C. is not enjoined to sift the evidence between the parties and the same can be done only by the trial court. Accordingly, no case is made out to interfere in the present C482 application and the same is dismissed.

9. Pending application, if any, stands disposed of accordingly.