
(2010) 08 UK CK 0008
In the Uttarakhand High Court

Rajender Singh @ Vicky

APPELLANT

Vs

State of Uttarakhand and Shiv Singh

RESPONDENT

Date of Decision : 06-08-2010

Acts Referred:

Penal Code, 1860 (IPC) — Section 506
Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 —
Section 3(1)

Citation : (2010) 08 UK CK 0008

Hon'ble Judges : Prafulla C. Pant, J

Bench : Single Bench

Judgement

Prafulla C. Pant, J.—Heard.

2. By means of this writ petition moved under article 226 of Constitution of India, the petitioner has sought quashing of the F.I.R. Dated 31.07.2010, registered as crime No. 224 of 2010, relating to offences punishable u/s 506 I.P.C., and one punishable u/s 3(1)(x) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, at P.S. Ramnagar, District Nainital.

3. Learned Counsel for the petitioner submitted that even if the contents of the FIR taken to be true ingredients of the offence punishable u/s 3(1)(x) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989, are not made out. It is pleaded that neither it is alleged in the FIR that the complainant Shiv Singh is a member of scheduled caste, nor it is mentioned that the petitioner Rajender Singh is not a member of the scheduled caste. Apart from this, it is pointed out that the allegations of insulting the complainant are against the co-accused Kulwinder Singh, not against the petitioner.

4. Admit the petition.

5. Learned Counsel for the State prays for and is allowed six week's time to file the counter affidavit. Issue notices to respondent No. 3 Shiv Singh, who may file his counter affidavit within a period of six weeks.

6. Having considered submissions of learned Counsel for the parties, as an interim measure, it is directed that petitioner Rajender Singh @ Vicky shall not be arrested in connection with aforesaid crime during investigation, provided that he cooperates with the investigating agency.

7. List after six weeks.(Stay application No. 6481 of 2010 stands disposed of).