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**(2019) 11 UK CK 0159**

**In the Uttarakhand High Court**

**Case No :** Criminal Miscellaneous Application (C-482) No. 2329 Of 2019,  
Compounding Application No. 3265 Of 2019

Saeed Ahmad And Another

APPELLANT

Vs

State Of Uttarakhand & Another

RESPONDENT

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**Date of Decision :** 21-11-2019

**Acts Referred:**

Code Of Criminal Procedure, 1973 — Section 482  
Indian Penal Code, 1860 — Section 384  
Information Technology Act, 2000 — Section 66

**Citation :** (2019) 11 UK CK 0159

**Hon'ble Judges :** R.C. Khulbe, J

**Bench :** Single Bench

**Advocate :** C.K. Sharma, S.T. Bhardwaj, Ajay Singh Bisht

**Final Decision :** Disposed Of

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**Judgement**

R.C. Khulbe, J

1. By way of present application, moved under Section 482 of Cr.P.C., applicants seek to quash the charge sheet dated 08.05.2019, summoning order dated 25.09.2019 as well as entire proceedings of Criminal Case No.1198 of 2019, State vs. Mansi Mehta @ Meena and another, u/s 384 of IPC, pending in the court of Chief Judicial Magistrate, District Naintial.

2. Heard learned counsel for the parties.

3. As per the FIR the respondent no.2-Suresh Chandra Joshi was already known to the applicant no.2- Mansi Mehta and she took some money from him, when the informant demanded to refund the money, applicant-2 asked the informant to come at Dehradun to take the money, when the informant went there, the applicant no.2 offered drink and tea, thereafter the informant was forced to make sexual relationship. After that the informant received phone call from the applicant No.1 Saeed Ahmad and he demanded Rs.10,00,000/- from the

informant and stated that otherwise he will disclose the video clip made on 04.04.2018.

4. From the perusal of the FIR, it is clear that the informant made sexual relationship with applicant no.2 at Dehradun with her consent. There is no allegation against the applicant no.2 that she made any demand of ransom from the informant.

5. From the perusal of the evidence, it is clear that no demand of ransom was made by the applicant no.2 from the informant.

6. Since there is no evidence on record to summon the applicant no.2 Mansi Mehta under Section 384 IPC and Section 66 IT Act. The concerned Magistrate did not peruse the evidence, he was simply summoned the applicant no.2 on the basis of charge sheet.

7. In these circumstances, the present applicant filed under Section 482 Cr.P.C. is liable to be allowed against the applicant no.2-Mansi Mehta. Accordingly, the same is allowed and the charge sheet dated 08.05.2019, summoning order dated 25.09.2019 as well as entire proceedings of Criminal Case No.1198 of 2019, State vs. Mansi Mehta @ Meena and another, u/s 384 of IPC, are hereby quashed, qua the present applicant no.2-Mansi Mehta only.

8. As Regards, the offence against the present applicant no.1-Saeed Ahmad is concerned, there is, prima facie, evidence on record against him.

9. As per the FIR, appellant No.1 Saeed Ahmad made a ransom call to the informant for demanding Rs.10,00,000/- to disclose video clip made by him at Dehradun between the informant and applicant no.2.

10. From the perusal of the evidence collected during the investigation, I came to this conclusion that there is sufficient evidence against the applicant no.1-Saeed Ahmad to summon him under Section 384 IPC and under Section 66 IT Act.

11. In these circumstances, the summoning order dated 25.09.2019, passed by the CJM, Nainital in Criminal Case No.1198 of 2019, State vs. Mansi Mehta @ Meena and another, u/s 384 of IPC, regarding the present applicant no.1-Saeed Ahmad is correct, there is no illegality and perversity in the impugned summoning order. Accordingly, the impugned summoning order dated 25.09.2019; passed by the CJM, Nainital in Criminal Case No.1198 of 2019 against the applicant no.1-Saeed Ahmad is hereby affirmed.

11. If, the applicant no.1 Saeed Ahmad appears before the concerned Court on or before 3.12.2019 and move a bail application, the concerned Court shall decide it on the same day. In case, the concerned Court rejects the bail application, he shall forward the record, along with the rejection order, to the concerned Sessions Judge on the very same day; who will decide the bail application expeditiously, as per law.

12. Pending applications, if any, also stand disposed of accordingly.