
(2010) 04 UK CK 0127

In the Uttarakhand High Court

Case No : Criminal Miscellaneous Application (C-482) No. 506 of 2005

Sanjeev Mehrotra and Another

APPELLANT

Vs

State of Uttaranchal and Another

RESPONDENT

Date of Decision : 27-04-2010

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 107, 116, 482
Penal Code, 1860 (IPC) — Section 323, 324, 504, 506

Citation : (2010) 04 UK CK 0127

Hon'ble Judges : Prafulla C. Pant, J

Bench : Single Bench

Advocate : Ramji Srivastava, for the Appellant; Mamta Bisht, A.G.A., for the Respondent

Final Decision : Allowed

Judgement

Prafulla C. Pant, J.—By means of the this petition, moved u/s 482 of Code of Criminal Procedure, 1973, the Petitioners have sought quashing of the proceedings of criminal complaint case No. 569 of 2005, Satish Kumar v. Sanjeev Mehrotra and Anr. relating to offences punishable under Sections 323, 324, 504 and 506 I.P.C. pending in the court of Additional Civil Judge (Junior Division)/ Judicial Magistrate, Kashipur, District Udham Singh Nagar.

2. Heard learned Counsel for the Petitioner. No one turned up on behalf of Respondent No. 2

3. Learned Counsel for the Petitioner submitted that Petitioner Sanjeev Mehrotra was Executive Officer with Nagar Palika Parishad, Bazpur. Petitioner No. 2 was cashier with said Nagar Palika Parishad. Respondent No. 2 Satish Kumar was safai karamchari of the Nagar Palika Parishad. It is pleaded on behalf of the Petitioners that in view of the unsatisfactory service of the Respondent No. 2 he was removed from the work assigned to him. Attention of this Court is drawn to Annexure 1 to the petition, which is copy of the report made by the Petitioner No. 1 to Station Officer, Police Station Bazpur, in which it is mentioned that due

to unsatisfactory work Satish Kumar (Respondent No. 2) was removed from service of 20.06.2005, where after he misbehaved and committed "marpeet" with the Petitioner No. 1. From the Annexure 4 to the petition it appears that the Sub Divisional Magistrate, drew proceedings u/s 107 and 116 of Code of Criminal Procedure against safai karamchari Satish Kumar. It is contended that as a counter blast, Petitioner No. 2 filed a criminal complaint in question of 29.06.2005 before the Additional Civil Judge (Junior Division)/Judicial Magistrate, Kashipur, which was registered as criminal case No. 569 of 2005, on which the Magistrate summoned the Petitioners to face the trial, in respect of offences punishable under Sections 323, 324, 504, 506 I.P.C vide impugned order dated 06.07.2005 (copy of Annexure 1 to the petition).

4. Having gone through the papers on record, this Court is satisfied with the arguments advanced on behalf of the Petitioners that the criminal complaint case in question is simply abuse of process of law on the part of the removed employee (complainant), who had committed "marpeet" with the Petitioners who were supervising his work. The proceedings drawn by Sub Divisional Magistrate further corroborate said fact. As such in the opinion of this Court the proceedings of complaint in question are liable to be quashed.

5. Accordingly, the petition u/s 482 of Code of Criminal Procedure is allowed. The proceedings of criminal complaint case No. 569 of 2005, Satish Kumar v. Sanjeev Mehrotra and Anr. in respect of offences punishable u/s 323, 324, 504 and 506 I.P.C, pending in the court of Additional Civil Judge (Junior Division)/Judicial Magistrate, Kashipur, are hereby quashed.