

(2011) 08 UK CK 0068

In the Uttarakhand High Court

Case No : Criminal Miscellaneous Application (C-482) No. 709 of 2011

Sher Singh and Others

APPELLANT

Vs

State of Uttarakhand and Sri Swar Singh

RESPONDENT

Date of Decision : 08-08-2011

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Penal Code, 1860 (IPC) — Section 147, 148, 323, 406, 452

Citation : (2011) 08 UK CK 0068

Hon'ble Judges : Prafulla C. Pant, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Prafulla C. Pant, J.—Heard.

2. By means of this petition, moved u/s 482 of Code of Criminal Procedure, 1973, (for short of Code of Criminal Procedure), the Petitioners have sought quashing of the proceedings of Criminal Case No. 576 of 2011, State v. Sher Singh and Ors. relating to offences punishable u/s 147, 148, 323, 504, 506, 452 and 406 I.P.C., pending in the court of Chief Judicial Magistrate, Udham Singh Nagar.

3. Learned Counsel for the Petitioners submitted that after the Petitioner No. 1 lodged First Information Report 3 against Respondent No. 2 and Ors. relating to demand of dowry, the impugned criminal case is filed as counter blast by him (Respondent No. 2).

4. However, it appears that after investigation sufficient material was found to file the charge sheet against the Petitioners.

5. In the above circumstances, this Court is not inclined to interfere with the trial of the case. The factual pleas of innocence raised by the Petitioners can be pleaded before the trial court which is in a better position to appreciate the same.

6. Therefore, without expressing any opinion as to final merits of the case, the petition u/s 482 of Code of Criminal Procedure, is dismissed summarily with the observation that if the Petitioners namely Sher Singh, Smt. Vimal Kaur, Pratap Singh, Pritam Singh, Trilok Singh and Amreek Singh surrender before the court concerned, their bail application shall be heard and disposed of without unreasonable delay.