
(2007) 11 UK CK 0015
In the Uttarakhand High Court

Sunil Dutt Rathuri and Others

APPELLANT

Vs

State and Another

RESPONDENT

Date of Decision : 01-11-2007

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Penal Code, 1860 (IPC) — Section 354, 498A, 504, 506

Citation : (2008) 1 DMC 612

Hon'ble Judges : B.C.Kandpal, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

B.C. Kandpal, J.—By way of this petition u/s 482, Cr.P.C. the applicants have filed the petition for quashing the entire proceedings in Criminal Case No. 122 of 2007 and Case No. 165 of 2007, under Sections 498A, 504, 506, 354 of I.P.C and Sections 3/4, Dowry Prohibition Act pending in the Court of Judicial Magistrate/ Civil Judge, (J.D.), Dehradun.

2. Heard Ms. Prabha Noliyal, learned Counsel for the petitioners on admission and perused the record.

3. Having considered the arguments advanced by the learned Counsel for the petitioners and perusing the documents filed before me, I am of the view that there is no flagrant injustice and abuse of process of Court in this case. The evidences are incomplete and hazy as yet.

4. This Court while exercising the jurisdiction u/s 482, Cr.P.C. is not supposed to act as a trial Judge. The petitioner shall have an opportunity to place the evidence in his defence before the Trial Court where the matter shall be finally adjudicated after considering the entire evidence.

5. I do not find any merit in this case at this stage.

6. Accordingly, the petition filed u/s 482, Cr.P.C. is dismissed in-limine.