

(2013) 08 UK CK 0003

In the Uttarakhand High Court

Case No : Criminal Miscellaneous Application No. 62 of 2009

Suresh and Another

APPELLANT

Vs

State of Uttarakhand and Another

RESPONDENT

Date of Decision : 26-08-2013

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 200, 202, 482
Penal Code, 1860 (IPC) — Section 504, 506

Citation : (2013) 08 UK CK 0003

Hon'ble Judges : Umesh Chandra Dhyani, J

Bench : Single Bench

Advocate : Bhuvnesh Joshi, for the Appellant; P.S. Soun, Learned AGA, Assisted by Ms. Meena Vohara, Brief Holder, Present for the State/Respondent No. 1, for the Respondent

Judgement

Umesh Chandra Dhyani, J.—The applicants, by means of present application u/s 482 Cr.P.C., seek to quash the entire proceedings of complaint case no. 852 of 2008 Smt. Vijaywati vs. Gendraj and another, under Sections 504 and 506 IPC, pending in the Court of 1st Additional Chief Judicial Magistrate, Haridwar. On a compliant case filed by the respondent no. 2 against the applicants, the latter were summoned to face the trial for the offences under Sections 504 and 506 IPC after recording the statements under Sections 200 and 202 Cr.P.C. Aggrieved against the summoning order dated 17.07.2008, present applicants moved application u/s 482 Cr.P.C. Four accused persons were summoned, out of which, two are the applicants before this Court in the present petition.

2. Learned counsel for the applicants submitted at the very outset that since the factual dispute has been challenged u/s 482 Cr.P.C., therefore, the applicants are not interested in pursuing the same. Application u/s 482 Cr.P.C. is, therefore, dismissed as "not pressed".

3. Learned counsel for the applicants made an innocuous prayer that the Court below be directed to dispose of the bail application(s) of the applicants on the

same day. Accused-applicants were summoned to face the trial for the offences punishable under Sections 504 and 506 IPC which are bailable offences, in which the bail may be claimed as a matter of right. It is, therefore, directed that if the applicants surrender before the Magistrate concerned and seek bail, their bail application(s), shall be decided by learned Magistrate on the same day.