
(2010) 07 UK CK 0081
In the Uttarakhand High Court

Vinit Kumar Goel and Jai Prakash

APPELLANT

Vs

State of Uttarakhand and Samay Singh

RESPONDENT

Date of Decision : 23-07-2010

Acts Referred:

Constitution of India, 1950 — Article 226
Penal Code, 1860 (IPC) — Section 323, 504, 506
Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 —
Section 3(1)(X)

Citation : (2010) 07 UK CK 0081

Hon'ble Judges : Prafulla C. Pant, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Prafulla C. Pant, J.—Heard.

2. By means of this writ petition moved under Article 226 of Constitution of India, the petitioners have sought quashing of the First Information Report dated 13.07.2010, registered with Police Station Narendra Nagar as Crime No. 2679 of 2010 relating to offences punishable u/s 323, 504, 506, I.P.C., and one punishable u/s 3(1)(X) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3. Learned Counsel for the petitioners submitted that petitioner No. 3 Samay Singh, complainant was running a dealership of L.P.G cylinders at Narendra Nagar under the license from Hindustan Petroleum Corporation Ltd. The present petitioners are the officers of said Corporation. It is pointed out on behalf of the petitioners that earlier in an inspection, when certain irregularities were found in the agency run by respondent No. 3 (complainant), the dealership of the complainant was suspended. It is pleaded on behalf of the petitioners that due to said action, the complainant has lodged the First Information Report in question, which is abuse of process of law. It is also contended on behalf of the petitioners that the petitioner No. 2 Jai Prakash, an Executive Sales Officer, is himself a

member of Scheduled Caste. That being so, assuming for a moment what has been alleged in the First Information Report is taken to be true, ingredients of the offence punishable u/s 3(1)(X) of Scheduled Castes Scheduled Tribes (Prevention of Atrocities) Act 1989 are not made out. It is nowhere stated in the First Information Report that offence is committed in the public view which is another essential ingredient to constitute the offence.

4. Admit the petition.

5. Learned Counsel for the State and learned Counsel for the complainant pray for and are allowed six week's time to file the counter affidavit.

6. In the above circumstances, as an interim measure, it is directed that the petitioners namely Vinit Kumar Goel and Jai Prakash shall not be arrested in connection with aforesaid crime during investigation, provided they cooperate with the investigating agency.

7. List after six weeks. (Stay Application No. 5969 of 2010 stands disposed of).