
(2010) 07 UK CK 0049
In the Uttarakhand High Court

Vipin Kumar

APPELLANT

Vs

State of Uttaranchal and Others

RESPONDENT

Date of Decision : 27-07-2010

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Penal Code, 1860 (IPC) — Section 420

Citation : (2010) 07 UK CK 0049

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

Bench : Single Bench

Final Decision : Dismissed

Judgement

B.C. Kandpal, J.—List has been revised. None has appeared on behalf of the petitioner.

2. Heard Sri S.S. Adhikari, learned A.G.A. for the State and Sri Sushil Vashist, holding brief of Sri R.P. Nautiyal, Advocate for respondent Nos. 3 and 4 and perused the record.

3. By way of this petition, u/s 482 Cr.P.C., the petitioner has prayed for quashing the summoning order passed by Judicial Magistrate- I, Dehradun in Criminal Complaint Case No. 3370/2004, Smt. Meena Gupta v. Vipin Gupta, whereby the petitioner has been summoned to face trial u/s 420 I.P.C.

4. I have perused the material available on record. The summoning order dated 20.10.2004, passed by the learned Magistrate, does not indicate anywhere that any abuse of process of the court has been committed by the court below. The trial court on the basis of the material available on record has rightly summoned the petitioner for facing the trial u/s 420 I.P.C. I am not supposed to embark upon an inquiry in order to assess the evidence on record. Any judgment passed by me would render to pre-trial of the case, specially when the evidence is still incomplete and hazy. I do not find any malafide in the complaint filed by the respondents 3 and 4.

5. The petition is devoid of any merit and is liable to be dismissed.

6. Accordingly, the petition is dismissed. The interim order dated 06.07.2005 stands vacated.