

(2020) 01 UK CK 0007

In the Uttarakhand High Court

Case No : Criminal Miscellaneous Application No. 1146 Of 2013

Yasin Ansari

APPELLANT

Vs

Manpreet Kaur

RESPONDENT

Date of Decision : 03-01-2020

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 482
Indian Penal Code, 1860 — Section 120B, 499, 500

Citation : (2020) 01 UK CK 0007

Hon'ble Judges : N.S. Dhanik, J

Bench : Single Bench

Advocate : Vipul Sharma

Final Decision : Allowed

Judgement

N.S. Dhanik, J

1. Mr. Vipul Sharma, Advocate for the applicant.
2. None appears for the respondent even in the revised list.
3. By means of present application under Section 482 Cr.P.C., applicant seeks to quash the summoning order dated 14.10.2009, under Sections 500/120B of IPC passed by the Additional Judicial Magistrate, Khatima, District-Udham Singh Nagar in Criminal Case No.1249 of 2009 (Manpreet vs. Paramjeet Singh & others), pending in the Court of learned Additional Judicial Magistrate, Khatima District -Udham Singh Nagar.
4. Learned counsel for the applicant submitted that applicant is Bureau Head/ Official Correspondent in Amar Ujala, Sitarganj, District Udham Singh Nagar. It is further submitted that criminal proceedings against him is nothing but abuse of process of the Court, as the present applicant has merely

published that one Paramjeet Singh Pamma has given a representation to the Chief Minister that Smt. Manpreet Kaur has become a teacher through a

forged caste certificate. He further submitted that the proceedings against the applicant are barred by Exception no.8, Section 499 of I.P.C. Learned

counsel for the applicant further submitted that the applicant has been falsely implicated in the case.

5 Notice was issued to respondent, but none has turned up on her behalf.

6. It appears that the complainant is not interested in prosecuting the accused-applicant. Earlier also, this C482 application was finally decided on

29.06.2017, however, liberty was given to the respondent to seek recall of the said order in case the respondent feel aggrieved. Now again none is

appearing on her behalf.

7. At the time of admission of present C-482 petition, this Court passed an interim order, vide order dated 28.10.2013, and stayed the criminal case

initiated against applicant, pending in the Court of Additional Judicial Magistrate, Khatima, District-Udham Singh Nagar, till the next date of listing.

8. There seems to be substance in the contention of leaned counsel for the applicant that the criminal proceedings initiated against the applicant are

nothing but abuse of process of the Court.

9. It will be a futile exercise to keep present petition under Section C-482 Cr.P.C. pending in this Court.

10. The Court can intervene in exercise of jurisdiction under Section 482 Cr.P.C. to prevent the abuse of process of law, as has been held by

Honâ??ble Apex Court in Rajiv Thapar and others vs. Madan Lal Kapoor (2013) 3 SCC 33,0 Amit Kapoor vs. Ramesh Chander and another, 2013

(1) SCC (Cr.) 986 and Inder Mohan Gosami and another vs. State of Uttarakhand and others, (2008) 1 SCC (Cr.) 259.

11. The petition under Section 482 Cr.P.C. is, therefore, allowed. The summoning order dated 14.10.2009, under Section 500/120B of IPC passed by

the Additional Judicial Magistrate, Khatima, District-Udham Singh Nagar in Criminal Case No.1249 of 2009 (Manpreet Kaur vs. Paramjeet Singh &

others), pending in the Court of Additional Judicial Magistrate, Khatima, District-Udham Singh Nagar, are hereby quashed.

12. Since this C482 application is being decided in the absence of respondent, therefore, application, if any, seeking recall of this order is moved, the

same shall be decided in accordance with law.