

(2011) 07 UK CK 0217

In the Uttarakhand High Court

Case No : Criminal Miscellaneous Application No. 542 of 2011

Zariff Ahmad

APPELLANT

Vs

Hari Prakash

RESPONDENT

Date of Decision : 28-07-2011

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482

Penal Code, 1860 (IPC) — Section 323, 504, 506

Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 —
Section 3(1)(X)

Citation : (2011) 07 UK CK 0217

Hon'ble Judges : Prafulla C. Pant, J

Bench : Single Bench

Judgement

Prafulla C. Pant, J.—No. one has turned up on behalf of the Respondent Hari Prakash, even after being served personally with the notice issued by this Court.

2. Heard learned Counsel for the Petitioner.

3. By means of this petition, moved u/s 482 Code of Criminal Procedure, the Petitioner has sought quashing of proceedings of Criminal Complaint Case No. 13 of 2011, Hari Prakash v. Maisar Khan and Ors., relating to offences punishable u/s 323, 504, 506 I.P.C., and one punishable u/s 3(1)(X) SC & ST (Prevention of Atrocities) Act, 1989, at Police Station- Rudrapur, District Udham Singh Nagar, pending in the Court of Judicial Magistrate, Rudrapur, District Udham Singh Nagar.

4. Learned Counsel for the Petitioner submitted that impugned criminal complaint is lodged because of No. confidence motion brought against the Respondent, who was a village Pradhan, and the charge of said post was given to the Petitioner, who was deputy village Pradhan. It is contended that it is abuse of process of law on the part of the Respondent to implicate the Petitioner in the criminal case due to the political rivalry.

5. Admit the petition.

6. Having considered submissions of learned Counsel for the Petitioner, and after going through papers on record, as an interim measure, it is directed that the proceedings of Criminal Complaint Case No. 13 of 2011, Hari Prakash v. Maisar Khan and Ors., relating to offences punishable u/s 323, 504, 506 I.P.C. and one u/s 3(1)(X) SC & ST (Prevention of Atrocities) Act, 1989 at Police Station-Rudrapur, District Udham Singh Nagar, pending in the Court of Judicial Magistrate, Rudrapur, District Udham Singh Nagar are stayed until further orders of this Court.

7. List this petition for final hearing in the due course (Misc. Application No. 841 of 2011, stands disposed of).