

**IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL**

Criminal Misc. Application No. 174 of 2005

Dr. Shishupal Yadav
S/o Shri Lekhraj Yadav
R/o Badaipura
Police Station – Rudrapur
District – Udham Singh Nagar Petitioner

Versus

1. State of Uttaranchal
2. Rampal Yadav
 S/o Shri Lekhraj Yadav
 R/o Badaipura, Rudrapur
 R/o Badaipura, Rudrapur
 District – Udham Singh Nagar Opp. parties

Sri D.S. Mehta, learned counsel for the applicant
Sri A. Rab, learned counsel for the State

Hon'ble B.C. Kandpal, J.

 This petition u/s 482 Cr.P.C. for quashing the chargesheet filed against the petitioner on the ground that no case u/s 504/506 I.P.C. is made out against the petitioner.

 Heard learned counsel for the petitioner as well as learned Addl. G.A. and perused the record.

 The record shows that the chargesheet has been filed in this case against the petitioner on 11.03.2004 and since thereafter the case is being listed before the trial court for framing the charges against the petitioner but he, by one way or other has been lingering on the proceedings pending before the trial court.

 As far as the contention raised by the petitioner that the evidence against him does not make out a case u/s 504/506 is concern, the same relates to the question of facts which can only be assessed and examined by the trial court when the evidence is adduced over there. The proceedings pending before the trial court can not be disturbed on that count alone.

I do not find any serious mis-carriage of process of court and I also do not find any mandatory provision of law has not been complied with. I do not feel that the inherent jurisdiction is to be exercised by me at this stage.

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

Accordingly, the petition is dismissed.

(B.C. Kandpal, J.)

30th March, 2005
Shiv