

C482 No.745/2009

**Hon'ble B. C. Kandpal, ACJ.**

By way of this petition under Section 482 Cr.P.C. the petitioners have prayed for quashing the summoning/cognizance order dated 27.2.2008 passed by Judicial Magistrate, Khatima, District Udham Singh Nagar, in Criminal Case No. 266 of 2008 "State vs. Karnail Singh and others" and order dated 9.4.2009 passed by Sessions Judge, Udham Singh Nagar in Criminal Revision No. 77/2008 as well as entire proceedings of the aforesaid criminal case under Sections 147, 148, 149 and 307 I.P.C., pending in the court of Judicial Magistrate, Khatima, District Udham Singh Nagar.

Heard Sri D.K. Sharma, learned counsel for the petitioners, Sri S.S. Adhikari, learned A.G.A. for respondents no. 1 to 3 and perused the record.

Having considered the arguments advanced by learned counsel for the parties and perused the material available on record, I am of the view that prima facie case against the petitioners under Sections 147, 148, 149 and 307 I.P.C. is made out from the contents of the F.I.R. This Court is not supposed to embark upon an enquiry where the entire facts are incomplete and hazy. The powers possessed by the High Court u/s 482 Cr.P.C. are very wide and very plentitude of the power requires great caution in its exercise. Courts must be careful to see that its decision in exercise of this power is based on sound principles. The inherent power should not be exercised to stifle a legitimate prosecution.

Accordingly, the petition is dismissed in limine.

However, if the petitioners appear before the court concerned for obtaining the bail, the court concerned shall decide their bail applications expeditiously and without causing any unreasonable delay.

**(B.C.K., ACJ.)**

25.09.2009

SP