

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

Criminal Misc. Application No. 293 of 2011

Ranjan Kumar Joshi, S/o Late Sri S.D. Joshi,
R/o Village Jawahar Nagar, Pantnagar, Distt.-
Udham Singh Nagar.

.....Petitioner

Versus

1. State of Uttarakhand through Secretary Home Dehradun.
2. P.L. Gautam, Former Vice-Chancellor, G.B.Pant Agriculture & Technology University, Pantnagar, Distt. U.S.Nagar.
3. B.S.Bisht, Vice-Chancellor, G.B.Pant Agriculture & Technology University, Pantnagar, Distt. U.S.Nagar.
4. Smt. Amita Joshi, Finance Comptroller, G.B.Pant Agriculture & Technology University, Pantnagar, Distt. U.S.Nagar.
5. Ramesh Chandra Agarwal, Former Finance Comptroller, G.B.Pant Agriculture & Technology University, Pantnagar, Distt. U.S.Nagar.
6. M/s. Sybex Computer System Pvt. Ltd., Former Contractor, House No. 751 Jha Colony Pantnagar, Uttarakhand, House No. 45 Hari Nagar, New Delhi-110014.
7. M/s Tarai Mazdoor Evom Gramin Utthan Samiti, 941 Sector4, Pantnagar, Distt. U.S. Nagar.

.....Respondent

Mr. Saurabh Pandey, Advocate and Mr. Sanpreet Singh Ajmani, Advocate, present for the petitioner.

Mrs. Mamta Bisht, A.G.A., present for the State.

Mr. Rajendra Dobhal, Senior Advocate, assisted by Mr. Tarun Lakhera, Advocate, present for the respondents No. 2, 3, 4 and 5.

Mr. Piyush Garg, Advocate present for the respondent No. 6 and 7.

Hon'ble Prafulla C. Pant, J.

Heard.

2) By means of this petition, moved under
Section 482 of Code of Criminal Procedure, 1973,

the petitioner has sought quashing of order dated 12.01.2011, passed by Chief Judicial Magistrate, Udham Singh Nagar, on the application moved under Section 156 (3) of Cr.P.C., registered as criminal misc. case no. 431 of 2010, whereby said court has dismissed the prayer to get registered the case by the Police.

3) Heard learned counsel for the parties and perused the record.

4) Earlier, this petition was allowed vide order dated 06.04.2011, against which respondents have approached the Apex Court and the Apex Court vide its order dated 29.07.2011, passed in Criminal Appeal No. 1506 of 2011 and Criminal Appeal No. 4671 of 2011 (arisen out of SLP Criminal No. 3042 of 2011), set aside the order dated 06.04.2011, and directed this Court to decide the petition afresh. Accordingly, this petition is being decided afresh.

5) Brief facts of the case are that the petitioner Ranjan Kumar Joshi, is an employee of G.B. Pant Agriculture & Technology University, Pantnagar, who has made request under Section 156 (3) Cr.P.C. against the Ex-Vice Chancellor and present Vice Chancellor, Finance Comptroller, Former Finance Comptroller, M/s. Sybex Computer System Pvt. Ltd., M/s Tarai Mazdoor Evom Gramin Utthan Samiti to get registered the case against them for committing financial irregularities in the payment

of Income Tax, Service Tax and in violating the labour laws etc. Wild allegations have been made by the petitioner against the authorities of the University without specific details and sought to initiate criminal proceedings against them.

6) The Chief Judicial Magistrate, vide impugned order dated 12.01.2011, has mentioned in its order that no grounds are made out to register the criminal cases against the respondent No.2 to 7 nor is there any basis to direct the Police to register the case for investigation.

7) Learned counsel for the petitioner argued before this Court that the financial irregularities are being committed by the University.

8) In reply to this learned counsel for the University and learned counsel for the respondent No. 6 and 7 pleaded that there is no irregularity committed by the University or any of the respondents. It is further submitted that neither any audit report is there in support of the allegations made against the respondents nor finding of the concerned departments, if any of the provisions of the Income Tax Act or Labour Law were violated by the authorities. Assuming for a moment that the violation made, unless there is any criminal intention on the part of respondents, it cannot be said that petitioner has a right to initiate the criminal proceedings. It is also argued that the petitioner is an

employee of the University. When he did not join his place of new posting, he was placed under suspension. It is further argued that due to that grudge, application under Section 156(3) of Cr.P.C. has been moved.

9) Having considered submissions of learned counsel for the parties and after going through the papers on record, this Court finds that it is abuse of process of law on the part of the complainant to implicate the respondent no. 2 to 7, in the criminal case and to make request to the Magistrate to register the criminal case against them in the manner as mentioned above. As such, this Court finds no illegality in the order passed by Chief Judicial Magistrate, declining to direct the Police to register the criminal case in the matter.

10) For the reasons as discussed above, this petition is devoid of merits and the same is dismissed. If any F.I.R. has been lodged in compliance of order-dated 06.04.2011, as the same has been set aside by the Apex Court, shall stand quashed.

(Prafulla C. Pant, J.)

30.08.2011
JM