

**IN THE HIGH COURT OF UTTARAKHAND AT
NAINITAL**
Criminal Misc. Application (C482) No.629 of 2012

Smt. Kulwant Kaur Wife of Manjeet Singh Resident of Village Gaindikhata, P.S. Shyampur, District Haridwar.

.....Petitioner

Versus

1. State of Uttarakhand through Secretary Ministry of Home Affairs, Uttarakhand, Dehradun.
2. Mukesh Kumar Son of Raghuveer Singh, Resident of Village Taatwala P.S. Shyampur, District Haridwar.

.....Respondents

Mr. Anubhav Jain, Advocate, holding brief of Mr. Abhishek Verma, Advocate, present for the petitioner.

Mr. Amit Kapri, Advocate, present for the State.

Mr. Mohd. Safdar, Advocate, present for the respondent No.2.

Hon'ble Prafulla C. Pant, J.

Heard.

2) By means of this petition, moved under Section 482 of Cr.P.C., the petitioner has sought quashing of the proceedings of Criminal Case No. 170 of 2012, State Vs. Manjeet Singh and others, relating to offences punishable under Section 323, 342, 395, 427, 504, 412 of I.P.C., Police Station

Shyampur, pending in the court of Civil Judge (Junior Division)/Judicial Magistrate, Haridwar.

- 3) Learned counsel for the petitioner drew attention of this Court to the statements of the witnesses Ashok Kumar and Ram Kumar, and it is pleaded that two witnesses have not given any evidence during investigation against the petitioner Smt. Kulwant Kaur. As such, the Investigating Officer has wrongly submitted the charge sheet against the present petitioner.
- 4) However, on perusal of the statements of other witnesses, particularly the statement of Mukesh Kumar, who was the victim of confinement, it is clear that there is allegation against the present petitioner, as to her role in keeping the victim in wrongful confinement, as such, it cannot be said that the charge sheet has been filed without there being any evidence on record.
- 5) The factual pleas of defence are raised by the petitioner in this petition, which cannot be examined by this Court, on the basis of half baked evidence, it is for the trial court to examine such factual pleas of defence after recording evidence of the parties.

6) Therefore, without expressing any opinion, as to the final merits of the case, pending before the trial court, the petition under Section 482 of Cr.P.C., is dismissed summarily with the observation that if the petitioner Kulwant Kaur, surrenders before the court concerned, her bail application shall be heard and disposed of without unreasonable delay. (Misc. Application No. 3257 of 2012, also stands disposed of).

(Prafulla C. Pant, J.)

31.07.2012
JM