

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

**Criminal Misc. Application No.876 of 2007
(U/s 482 Cr.P.C.)**

Prem Chandra Agarwal

.....**Applicant**

Versus

State of Uttarakhand & others

.....**Respondents**

Mr. P.S. Rawat, Advocate, for the applicant

Mr. P.S. Saun, AGA for the State/respondent no.1

None is present for respondent nos.2 to 5

Hon'ble Servesh Kumar Gupta, J.

This petition challenges the order passed by the Additional Sessions Judge, Haridwar dated 29.8.2007 in criminal revision no.333 of 2005, *titled as Prem Chand Agarwal Vs. State of Uttarakhand and others.*

In brief, the facts of the case are that petitioner's son, namely *Amit Kumar*, whose married was solemnized with respondent no.4 (*Smt. Sujata*) on 8.7.1992, allegedly died in his in-laws house on 4.6.1995. So, the FIR was lodged by the petitioner against his daughter-in-law and her other family members. The matter was investigated which culminated into submission of a final report finding non-involvement of any of the opposite parties. This final report was accepted on 16.3.1998 by learned Magistrate, where-against a revision no.77 of 1998 was filed by the petitioner which was accepted by Third Additional Sessions Judge, Haridwar on 24.8.2000 with the direction that the matter be further investigated by an officer not below the rank of Circle Officer. In compliance, the matter was further investigated but again nothing was found against the opposite parties so as incriminate them in the offences, thus a final report was submitted by the C.O. Police

on 31.1.2001, which was accepted by the concerned Magistrate on 11.1.2005. Still the petitioner was not satisfied, so he moved a revision no.333 of 2005 which was dismissed by the Additional Sessions Judge, Haridwar vide the impugned judgment and order dated 29.8.2007.

I have gone through the impugned judgment and order passed by learned Magistrate accepting the final report on 11.1.2005 which is a very elaborate order, as also the order passed by learned Additional Sessions Judge dismissing the revision no.333 of 2005 vide judgment dated 29.8.2007, which also explains and justifies each and every aspect of the matter. This Court also feels that no interference is called for at this stage. Cause of death of petitioner's son has sufficiently been investigated, which is still a mystery and by no stretch of imagination, the private opposite parties can be held responsible since not a least evidence is available against them. Furthermore, only on the basis of bare suspicion, the chargesheet cannot be asked against them through the police.

The petition is utterly merit-less which is liable to be dismissed. Petition is dismissed accordingly.

(Serves Kumar Gupta, J.)

28.02.2013

Rdang