

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

Criminal Misc. application No.471 of 2016
(under Section 482 Cr.P.C.)

Bhupender Singh and anotherApplicants

Versus

State of Uttarakhand and othersRespondents

Hon'ble Sudhanshu Dhulia, J. (Oral)

Heard Mr. Vikas Kumar Guglani, Advocate for the applicants and Mr. D.K. Sharma, learned Additional Advocate General assisted by Mr. B.M. Pingal, Brief Holder for the State/respondent Nos.1 & 2.

An application under Section 156(3) Cr.P.C. has been filed by the respondent No.3 before Ist Additional Civil Judge/Judicial Magistrate, Udham Singh Nagar wherein the learned Magistrate directed the police authorities to lodge the first information report against present applicants and also ordered for investigation in the matter vide order dated 26.04.2016.

Present applicants have challenged the order dated 26.04.2016 before the Court by making certain factual as well as legal submissions in the present application under Section 482 Cr.P.C. invoking inherent jurisdiction of this Court.

Be that as it may, the fact remains that the application of the respondent No.3 which was moved before the learned Magistrate does disclose the cognizable offence and therefore, the learned Magistrate has rightly directed to the police authority to investigate the matter under Section 156(3) Cr.P.C. There is nothing wrong with the order passed by the learned Magistrate or there is any abuse of process of court which may call for interference by this Court.

Learned Additional Advocate General Mr. D.K. Sharma pointed out that in case applicants aggrieve with the impugned order, they may avail an alternative remedy which is available to the applicants before learned revisional court which has not been availed by them so far.

This Court does not find any merit in the case. The application under Section 482 Cr.P.C. is dismissed in limine.

(Sudhanshu Dhulia, J.)

29.04.2016

JKJ