

C482 No. 91 of 2014

Hon'ble Manoj K. Tiwari, J.

Mr. Abhishek Verma, Advocate for the applicant.

Mr. S.K. Chaudhary, Deputy Advocate General for the State of Uttarakhand.

Heard learned counsel for the parties.

This C482 application has been filed by applicant for quashing the summoning order dated 20.06.2012 alongwith entire proceedings of Criminal Case No. 1738 of 2012, for the offences punishable under Section 379 & 411 of I.P.C., Police Station Jaspur, District Udham Singh Nagar, pending in the Court of learned Civil Judge (Senior Division)/Judicial Magistrate, Kashipur, District Udham Singh Nagar.

Earlier an F.I.R. was registered by the complainant. During investigation, name of the applicant came into light. Thereafter, Investigating Officer submitted charge sheet against the applicant. Same was accepted by the Court. Thereafter, summoning order was passed by the Court. Against the summoning order, present criminal misc. application has been filed by the applicant. According to the learned counsel for the applicant, non bailable warrant has also been issued against the applicant.

I have considered the submission advanced by the learned counsel for the parties.

In my considered opinion, this is not a fit case in which inherent powers under Section 482 of Cr.P.C. can be exercised. Hon'ble Supreme Court in catena of judgments has held that the High Court should interfere in rarest of rare cases. This Court does not find that this case comes under that category.

Consequently, criminal misc.
application is dismissed. Interim order dated
03.02.2014 stands vacated.

Arpan

(Manoj K. Tiwari, J.)

28.02.2019