

SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
			C482 No. 1307 of 2019 <u>Hon'ble Sharad Kumar Sharma, J.</u> Mr. Himanshu Joshi, Advocate, on behalf of Mr. Prashant Khanna, Advocate, for the applicants. Mr. V.K. Gemini, Deputy A.G., for the State of Uttarakhand. Brief facts of the case are, that the complainant Sub Inspector Arvind Singh, who was deployed for rendering his duties as a Traffic Incharge, while he was dispensing his public duties, he was faced with an altercation with the applicants with regard to wrongful crossing of their vehicle, bearing registration No. PB-70D-6600, which they tried to take a U-turn, but not from the prescribed place but in between, and as a consequence thereto, it has resulted into blocking the traffic. When the same was objected by the complainant, the driver of the vehicle, and the inmates of the same, abused the police officials, and has assaulted him in the manner, in which, it has been narrated in the FIR. As a consequence thereto, initially, the FIR was registered, being FIR No. 535 of 2018, for the offences under Sections 332, 353, 307, 504 and 427 of the IPC, wherein, the present applicants are named accused persons. The matter was investigated, and upon investigation, Chargesheet No. 1 dated 17th September, 2018, was submitted by the Investigating Officer, after examining as many as 19 witnesses, who supported the prosecution story with regard to the incident, which has chanced on 16th June, 2018. The chargesheet, which was thus submitted by the Investigating Officer, it related to the offences levelled against the present applicants for the involvement in the commission of offences under Sections 332, 34, 353, 427 and 504 of the IPC. Upon submission of the chargesheet, the

		cognizance has been taken by the Court of Chief Judicial Magistrate, Haridwar, and consequently, the summoning order dated 19th January, 2019, has been issued by the Court of Chief Judicial Magistrate, Haridwar in Criminal Case No. 662 of 2019, State Vs. Manoj and others, whereby, the present applicants have been summoned to be tried for the offences under Sections 332, 34, 353, 427 and 504 of the IPC. The same has been put to challenge in the instant C-482 Application, on multiple factual grounds, though there is no legal ground, which has been pleaded by the applicants, for invoking the jurisdiction under Section 482 of the Cr.P.C. to exercise my inherent powers for quashing the proceedings of Criminal Case No. 662 of 2019, State Vs. Manoj and others, as it has been subjected to challenge by the present applicants. This Court has called upon the learned counsel for the applicants to address the Court on merits. He has drawn attention of this Court to the various factual aspects, but that itself will not suffice the purposes to quash the proceeding, which has been sought for in the instant C-482 Application, while exercising the inherent powers, because the manner in which, it has been sought to be invoked has been, as if, the applicants had attempted the High Court to undertake an investigation and inquiry by appreciating the evidence and to substitute its findings with regard to the offence, which has been committed by the present applicants as narrated in the FIR, and later on established in the chargesheet. Holding a mini trial is not the scope of the C-482 Application. For establishment of the innocence of the applicants for non involvement in the commission of offence, would be exclusively the subject matter to be dealt with by the Trial Court, i.e. the Court of Chief Judicial Magistrate, Haridwar, who has to independently decide the matter based upon the respective cases, which is produced before the Court. But the material which has been placed on record, apart from the factual narration, no material question of law has been
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			argued, which could necessitate the exercise of powers under Section 482 of the Cr.P.C. In that eventuality, this Court does not find any merit in the C-482 Application. The same is accordingly dismissed. (Sharad Kumar Sharma, J.) Dated 18.10.2023 Shiv
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